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138
STATUTES

OF THE

PROVINCE OF ONTARIO,

PASSED IN THE SESSION HELD IN THE

FORTY-NINTH YEAR OF THE REIGN OF HER MAJESTY

QUEEN VICTORIA,

Being the Third Session of the Fifth Legislature of Ontario,

BEGUN AND HOLDEN AT TORONTO, ON THE TWENTY-EIGHTH DAY OF JANUARY, IN THE YEAR OF OUR
LORD ONE THOUSAND EIGHT HUNDRED AND EIGHTY-SIX.

1886



(212055-
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HIS HONOUR

THE HONOURABLE JOHN BEVERLEY ROBINSON

LIEUTENANT-GOVERNOR.

Toronto :

PRINTED BY JOHN NOTMAN,

1719.c
PRINTER TO THE QUEEN'S MOST EXCELLENT MAJESTY.

1886.



PRINTED AND BOUND BY
WARWICK & SONS,
TORONTO.



49 VICTORIA.

CHAPTER 1.

An Act for granting to Her Majesty certain sums of money to defray the expenses of Civil Government for the year one thousand eight hundred and eighty-six, and for other purposes therein mentioned.

[Assented to 25th March, 1886.]

MOST GRACIOUS SOVEREIGN :

WHEREAS it appears by messages from His Honour, the Honourable John Beverley Robinson, Lieutenant-Governor of Ontario, and the estimates accompanying the same, that the sums hereinafter mentioned in the schedules to this Act are required to defray certain expenses of the Civil Government of this Province, and of the public service thereof, and for other purposes for the year one thousand eight hundred and eighty-six ; may it therefore please Your Majesty that it may be enacted, and it is hereby enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, as follows :—

Preamble.

1. From and out of the Consolidated Revenue Fund of this Province, there shall and may be paid and applied a sum (not exceeding in the whole) of three million one hundred and thirty-six thousand six hundred and fifty-one dollars and ninety cents, for defraying the several charges and expenses of the Civil Government of this Province for the year one thousand eight hundred and eighty-six, as set forth in schedule A to this Act ; and for the expenses of Legislation, Public Institutions' Maintenance, and salaries of the officers of the Government and Civil Service for the month of January, one thousand eight hundred and eighty-seven, as set forth in Schedule B to this Act.

\$3,136,651.90
granted out of
the Consoli-
dated Revenue
Fund for cer-
tain purposes.

2.

Accounts to be
laid before the
Legislature.

2. Accounts in detail of all moneys received on account of this Province, and of all expenditures under schedule A of this Act, shall be laid before the Legislative Assembly at its next sitting.

Unexpended
moneys.

3. Any part of the money under schedule A, appropriated by this Act out of the Consolidated Revenue, which may be unexpended on the thirty-first day of December, one thousand eight hundred and eighty-six, shall not be expended thereafter, except in the payment of accounts and expenses incurred on or prior to the said day; and all balances remaining unexpended after the twentieth day of January next shall lapse and be written off.

Expenditure
to be account-
ed for to Her
Majesty.

4. The due application of all moneys expended under this Act out of the Consolidated Revenue shall be accounted for to Her Majesty.

SCHEDULE A.

SUMS granted to Her Majesty by this Act for the year one thousand eight hundred and eighty-six, and the purposes for which they are granted.

CIVIL GOVERNMENT.

To defray the expenses of the several Departments at Toronto.

Government House.....	\$1,750 00	
Lieutenant-Governor's Office.....	3,980 00	
Executive Council and Attorney-General's Office	15,752 50	
Education Department	21,000 00	
Crown Lands Department	48,660 00	
Department of Public Works.....	18,180 00	
Treasury Department.....	18,475 00	
Secretary and Registrar's Department.....	30,772 50	
Department of Immigration.....	1,600 00	
Inspection of Public Institutions	9,274 00	
Provincial Board of Health	8,400 00	
Miscellaneous	10,350 00	
		188,194 00

LEGISLATION.

To defray expenses of Legislation..... \$129,100 00

ADMINISTRATION OF JUSTICE.

To defray expenses of:—

Supreme Court of Judicature	\$57,104 00	
Miscellaneous—Criminal and Civil Justice	297,033 00	
Surrogate Judges and Local Masters.....	18,492 00	
		372,629 00
		EDUCATION.

EDUCATION.

To defray expenses of:—

Public and Separate Schools.....	\$240,000 00	
Schools in New and Poor Townships..	22,000 00	
Model Schools	8,250 00	
Teachers' Institutes.....	2,000 00	
High Schools and Collegiate Institutes.....	87,000 00	
Training Institutes.....	1,600 00	
Inspection of Normal, High, Model, Public and Separate Schools.....	54,550 00	
Departmental Examinations	10,145 00	
Normal and Model Schools, Toronto.....	19,320 00	
Normal School, Ottawa.....	19,435 00	
Museum and Library.....	3,450 00	
School of Practical Science.....	6,644 00	
Mechanics' Institutes, Art Schools Literary and Scientific.....	34,350 00	
Miscellaneous	3,800 00	
Superannuated Teachers.....	55,000 00	
	<hr/>	567,544 00

PUBLIC INSTITUTIONS' MAINTENANCE.

To defray expenses of:—

Asylum for the Insane, Toronto.....	\$93,860 00	
Asylum for the Insane, London	119,780 00	
Asylum for the Insane, Kingston.....	89,241 00	
Asylum for the Insane, Hamilton.....	80,887 00	
Asylum for the Insane, Orillia	28,860 00	
Central Prison, Toronto	79,490 00	
Provincial Reformatory, Penetanguishene.....	41,510 00	
Institution for the Deaf and Dumb, Belleville...	39,949 00	
Institution for the Blind, Brantford.....	33,526 00	
Mercer Reformatory for Females	30,076 00	
	<hr/>	637,179 00

IMMIGRATION.

To defray expenses of a grant in aid of Immigration..... \$18,800 00

AGRICULTURE.

To defray expenses of a grant in aid of Agriculture..... 133,705 00

HOSPITALS AND CHARITIES.

To defray expenses of a grant in aid of Hospitals and
Charities..... 103,630 72

MAINTENANCE

MAINTENANCE AND REPAIRS OF GOVERNMENT AND DEPARTMENTAL BUILDINGS.

Government House.....	7,500 00
Parliament Buildings.....	
Main Buildings.....	9,900 00
West Wing.....	2,800 00
East Wing.....	4,550 00
Education Department (Normal School Building).....	7,900 00
Rented premises, Simcoe Street.....	2,700 00
Miscellaneous.....	1,920 00
Normal School, Ottawa.....	3,600 00
School of Practical Science.....	1,200 00
Agricultural College.....	6,000 00
Agricultural Hall.....	650 00
Osgoode Hall.....	8,040 00

 56,760 00

PUBLIC BUILDINGS.

Asylum for the Insane, Toronto.....	\$6,428 00
Asylum for the Insane, London.....	6,070 00
Asylum for the Insane, Hamilton.....	74,926 50
Asylum for the Insane, Kingston.....	16,752 25
do Regiopolis Branch.....	9,500 00
Asylum for Idiots, Orillia.....	126,930 00
Reformatory, Penetanguishene.....	6,065 00
Reformatory for Females, Toronto.....	1,866 67
Central Prison, Toronto.....	6,600 00
Deaf and Dumb Institute, Belleville.....	5,767 00
Blind Institute, Brantford.....	3,835 00
Agricultural College, Guelph.....	22,500 00
Normal School and Education Depart't, Toronto.....	2,500 00
Normal School, Ottawa.....	1,500 00
School of Practical Science, Toronto.....	500 00
Osgoode Hall, Toronto.....	3,500 00
Government House, Toronto.....	3,000 00
Parliament Buildings.....	2,000 00
District of Algoma.....	1,700 00
Thunder Bay District.....	6,000 00
Muskoka District.....	400 00
Parry Sound District.....	3,000 00
Nipissing District.....	4,000 00
Unorganized Territory.....	500 00
Miscellaneous.....	1,500 00

 317,340 42

PUBLIC WORKS.

To defray expenses of Public Works.....	72,464 00
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COLONIZATION

COLONIZATION ROADS.

To defray expenses of Construction and Repairs..... 129,950 00

CHARGES ON CROWN LANDS.

To defray expenses on account of Crown Lands..... 102,315 09

REFUNDS.

Education	7,000 00	
Crown Lands.....	10,500 00	
Municipalities Fund.....	5,695 52	
Land Improvement Fund.....	4,977 16	
	<hr/>	28,172 68

COLONIAL AND INDIAN EXHIBITION.

To meet grant to Colonial and Indian Exhibition, London,
England 13,000 00

STATUTE CONSOLIDATION.

To defray expenses of consolidation of Statutes..... 40,000 00

MISCELLANEOUS EXPENDITURE.

To defray Miscellaneous Expenditure..... 68,433 00

UNFORESEEN AND UNPROVIDED.

To defray unforeseen and unprovided expenses..... 50,000 00

Total estimates for expenditure of 1886.....3,029,216 91

To cover sundry unforeseen expenses of 1885..... 77,434 99

SCHEDULE B.

SUM granted to Her Majesty by this Act for the year
one thousand eight hundred and eighty-seven, and the
purposes for which it is granted.

To defray the expenses of Legislation, Public Institutions'
Maintenance, and for salaries of the officers of the
Government and Civil Service for the month of
January, 1887..... 30,000 00

Total.....\$3,136,651 90

CHAPTER 2.

An Act amending the Act respecting the Provisional County of Haliburton.

[Assented to 25th March, 1886.]

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows :—

R. S. O. c. 6,
amended.

1. Section 6 of *The Act Respecting the Provisional County of Haliburton* is amended by striking out the words: "except Division Courts" in the fourth line thereof, and by adding to the section, the words "and the Judge of the County Court of the County of Victoria shall hold the Division Courts therein."

R. S. O. c. 6,
ss. 7-9, and 11
repealed.

2. Sections 7, 8, 9 and 11, of the said Act, are repealed.

R. S. O. c. 6,
s. 12, amended.

3. Section 12 of the said Act is amended by striking out the words "the stipendiary" at the end of the third line thereof, and the words "magistrate or of" at the beginning of the fourth line thereof.

R. S. O. c. 6,
s. 16, amended.

4. Section 16 of the said Act is amended by striking out the words "stipendiary magistrate," and the word "other" in the second line thereof.

R. S. O. c. 6,
s. 17, amended.

5. Section 17 of the said Act is amended by striking out the words "stipendiary magistrate" and inserting in lieu thereof the words "judge of the County Court of the County of Victoria."

R. S. O. c. 6,
s. 19, amended.

6. The first four lines of section 19 of the said Act, and the first word "and" in the fifth line, are repealed.

R. S. O. c. 6,
s. 22, amended.

7. Section 22 of the said Act is amended by striking out the word "stipendiary" at the end of the third line thereof, and the word "magistrate" at the beginning of the fourth line thereof, and substituting therefor the word "Judge."

R. S. O. c. 6,
s. 23, repealed.

8. Section 23 of the said Act is repealed, and the following is substituted therefor:

Appeal from
Court of
Revision

23. An appeal shall lie from the decision of the Court of Revision, of any municipality within the provisional County of Haliburton, to the Judge of the County Court of the County of Victoria.

R. S. O. c. 6,
s. 27, repealed.

9. Section 27 of the said Act is repealed, and the following substituted therefor:

27. In the case of any instrument mentioned in *The Act respecting Mortgages and Sales of Personal Property*, made or executed, after the passing of this Act, within the said provincial county, or affecting personal property therein, the same shall be registered in the office of the clerk of the first Division Court of the said County of Haliburton, and registration if made within seven days after the execution of the instrument shall be sufficient.

Registry of
chattel mort-
gages and
bills of sale.

CHAPTER 3.

An Act to amend the Franchise and Representation Act 1885.

[Assented to 25th March, 1886.]

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. Sub-section 6 of section 2 of *The Election Act*, as amended by section 2 of *The Franchise and Representation Act, 1885*, is hereby repealed and the following substituted instead thereof:—

R. S. O. c. 10,
s. 2, sub-s. 6;
48 V. c. 2, s. 2,
amended.

(6). The expression “wage-earner” shall mean any person entitled to be entered in the last revised assessment roll of a city, town, incorporated village or township, as being a wage-earner, within the meaning of *The Assessment Act*, or of any Act amending the same.

Wage-earner.

2. Section 7 of *The Election Act*, as amended and enacted by *The Franchise and Representation Act, 1885*, is hereby further amended as follows:

R. S. O. c. 10,
s. 7; 48 V. c. 2,
s. 3, amended.

1. By omitting from the paragraph and provision therein designated *secondly*, the words “local municipality,” and inserting instead thereof the words “electoral district;”

2. By omitting from the paragraph and provision therein designated *thirdly*, the words “local municipality,” and inserting instead thereof the words “electoral district;”

3. By omitting from the paragraph and provision therein designated *fourthly*, the words “said municipality,” and inserting instead thereof the words “electoral district in which he tenders his vote;”

4. By omitting from the paragraph and provision therein designated *fifthly*, the words “local municipality,” and inserting instead thereof the words “electoral district;” and by adding at the end of said paragraph and provision so designated *fifthly*,
the

the words following, that is to say: "The time spent by any such landholder's son as a mariner or fisherman, in the prosecution of his occupation, or as a student in any institution of learning situate within the Province of Ontario, shall be considered as spent at home, and as having, for the purposes of this Act, been spent and passed with and in the residence as aforesaid of the landholder whose son he is."

R. S. O. c. 10, s. 58, amended. **3.** Section 58 of *The Election Act* is hereby amended by adding thereto the following as a sub-section thereof:

(2). Any voter entitled to vote within a city or town shall, on the day of polling, for the purpose of voting, be entitled to absent himself from any service or employment in which he is then engaged or employed, from the hour of noon in the day-time until the hour of two of the clock next thereafter, and such voter shall not, because of his so absenting himself, be liable to any penalty, or suffer or incur any reduction from the wages or compensation to which but for such absence he would have been entitled: provided, that if so required by the person in whose service or employment such voter is so engaged or employed, every such voter so absenting himself shall, at some other time during the same or the following week employ himself in and about such service or employment for one hour more than the hours of the usual and ordinary day's work or service otherwise required to be performed by him: provided, moreover, that this sub-section shall not apply where any such voter is by his employer or master permitted or allowed at any other period during the hours of polling, reasonable and sufficient time and opportunity to vote.

Proviso.

Proviso.

Forms of oaths.

4. Instead of the forms of oaths or affirmations numbered 19 and 20 in Schedule A to *The Election Act*, as amended and provided by section 6 of *The Franchise and Representation Act, 1885*, the forms of oaths or affirmations appended to this Act and numbered 19 and 20 are respectively substituted and shall be used.

48 V. c. 2, s. 9, repealed. **5.** Section 9 of *The Franchise and Representation Act, 1885* is hereby repealed.

48 V. c. 2 to be construed as if passed as hereby amended. **6.** The amendments by this Act made shall be read and construed as forming part of and being contained in *The Franchise and Representation Act, 1885*, at the time of the passing thereof.

SCHEDULE.

FORM 19.

*(Referred to in R. S. O. c. 10, Section 91.)*ORDINARY FORM OF OATH OF PERSON VOTING IN RESPECT OF INCOME, OR
AS A WAGE EARNER.

You *swear* (1) that you are the person named or purporting to be named by the name of _____ on the list of voters now shewn to you; (2)

That on the (3) _____ day of _____ 18 _____ you were, and thenceforward have been continuously and still are a resident of this Electoral District and are entitled to vote at this election;

That at the said date, and for twelve months previously, you were from your trade, occupation, office, calling or profession, in receipt of an income or wages amounting to a sum not less than \$250; (4)

That you are of the full age of twenty-one years;

That you are a subject of Her Majesty either by birth or naturalization;

That you have not voted before at this election, either at this or any other polling place;

That you have not received anything, nor has anything been promised to you, either directly or indirectly, either to induce you to vote at this election, or for loss of time, travelling expenses, hire of team, or any other service connected therewith;

And that you have not directly, or indirectly, paid or promised anything to any person, either to induce him to vote, or to refrain from voting at this election;

So help you God.

(1) If the voter is a person who may by law affirm, then for "*swear*" substitute "*solemnly affirm*."

(2) The Deputy Returning officer should hereupon shew the voters' list to the voter.

(3) The date to be here inserted in administering the oath, is the day certified by the clerk of the municipality to be the DATE OF THE FINAL REVISION and correction of the assessment roll upon which the voters' list used at the election is based for the municipality.

(4) If the municipality in which the voter is voting is a township there must be added at the end of this clause of the oath the words following:—"Estimating as 'part of said income or wages the fair value of any board or lodging had, given to 'or received by me during the said twelve months as or in lieu of wages."

NOTE.—In the oath administered to a Deputy Returning officer, poll clerk or agent VOTING UPON A CERTIFICATE issued under section 87, for "*on the list of voters now shewn to you*" substitute "*on the list of voters for the municipality of _____*," naming the municipality mentioned in the certificate.

FORM 20.

(Referred to in R. S. O. c 10, Section 91.)

FORM OF OATH FOR A LANDHOLDER'S SON.

You *swear* (1) that you are the person named or purporting to be named by the name of _____ on the list of voters now shewn to you; (2)

That on the (3) _____ day of _____ 18 _____, A. B.

(4) was, as you verily believe actually, truly, and in good faith possessed to his (5) own use as owner, tenant or occupant of the property in respect of which your name is so as aforesaid entered on the said voters' list, and was then actually and in good faith residing and domiciled upon said property;

That

That you are a *son* (6) of the said A. B. ; (4)

That you resided within this municipality with the said A. B., for and during the whole of the twelve months next before the return by the assessor of the assessment roll on which the voters' list used at this election is based, not having been absent during that period, except temporarily and not more than six months in all, and except and save for and during such further time (if any) as was spent by you either in the occupation of a mariner or fisherman, or as a student of some institution of learning situate within this Province;

That you are still a resident of this Electoral District, and are entitled to vote at this election ;

That you are of the full age of twenty-one years ;

That you are a subject of Her Majesty, either by birth or naturalization ;

That you have not voted before at this election, either at this or any other polling place ;

That you have not received anything, nor has anything been promised you, either directly or indirectly, either to induce you to vote at this election, or for loss of time, travelling expenses, hire of team, or any other service connected therewith ;

And that you have not directly, or indirectly, paid or promised anything to any person, either to induce him to vote, or to refrain from voting, at this election ;

So help you God.

(1) If the voter is a person who may by law affirm, then for "*swear*" substitute "*solemnly affirm.*"

(2) The Deputy Returning Officer should hereupon shew the voters' list to the voter.

(3) The date to be here inserted in administering the oath is the day certified by the clerk of the municipality to be the date of the RETURN by the assessor of the assessment roll upon which the voters' list used at the election is based.

(4) The name of the voter's father, or step-father, or mother or step-mother, should be inserted here.

(5) If the name of the voter's mother is inserted, then for "*his*" substitute "*her.*"

(6) If the voter is voting as a "*step-son,*" or "*grandson,*" or "*son-in-law,*" then for the word "*son*" substitute the word "*step-son,*" or "*grandson,*" or "*son-in-law,*" as the case may be.

NOTE.—In the oath administered to a Deputy Returning Officer, poll-clerk, or agent VOTING UPON A CERTIFICATE issued under section 87, for "*on the list of voters now shewn to you,*" substitute "*on the list of voters for the municipality of*," naming the municipality mentioned in the certificate.

CHAPTER 4.

An Act to provide for the better Auditing of the Public Accounts of the Province.

[Assented to 25th March, 1886.]

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows :—

Treasury
Board.

1. For the purpose of reference and decision in regard to matters hereafter referred to it, a Treasury Board composed of three members of the Executive Council may be appointed by the Lieutenant-Governor, and the three members so appointed shall be the Treasury Board for the time being. 2.

2. For the more complete examination of the Public Accounts of the Province, and for the reporting thereon to the Legislative Assembly, the Lieutenant-Governor may, under the great seal of the Province appoint an officer to be called the Provincial Auditor of the Province, and such officer may be paid out of the Consolidated Revenue Fund of the Province, a salary of \$2,400 per annum.

Appointment of Provincial Auditor.

3. The Provincial Auditor shall hold office during good behaviour, but shall be removable for cause by the Lieutenant-Governor on address of the Legislative Assembly.

Tenure of office.

4. The Lieutenant-Governor in Council shall, from time to time, appoint any officer, clerk or other person to be employed in the office of the Provincial Auditor subject to the provisions of any Act or Acts regulating the Civil Service of Ontario.

Appointment of officers.

5. The Provincial Auditor shall have power to make, from time to time, orders and rules for the conduct of the internal business of his office, and to promote, suspend or remove any officer, clerk or other person employed therein, and to prescribe regulations and forms for the guidance of principal and sub-accountants in making up and rendering their accounts for examination: Provided always, that all such rules, regulations and forms shall be approved by the Treasury Board previously to the issue thereof. The said rules and regulations shall be laid before the House of Assembly within the first ten days of the Session next after the date when the same have been approved by the Treasury Board.

Regulations for conducting business of office, how made.

6. It shall be the duty of the Provincial Auditor and the Assistant Treasurer to examine and cancel debentures, or other Provincial securities representing any debt of the Province and which have been redeemed.

Cancelling debentures.

7. The Provincial Auditor shall examine, check, and audit all accounts of receipts and expenditure of public moneys, whether appertaining to the Province, or received or expended by the Province on account of or in trust for any other party or parties.

Provincial Auditor to audit public accounts.

8. The Provincial Auditor shall, subject to the exceptions hereafter provided for, see that no cheque issues for the payment of any public money, for which there is no direct legislative appropriation, or in excess of any portion of such appropriation the expenditure of which has been authorized by the Lieutenant-Governor in Council, and he shall report to the Lieutenant-Governor in Council through the Treasurer any case in which a department or sub-accountant has expended money out of the proceeds of any accountable warrant for any purpose

Provincial Auditor to see that money is not expended without or in excess of appropriation.

pose for which there is no sufficient authority, or beyond the amount for which there is such authority.

When only
cheques may
issue without
certificate of
Provincial
Auditor.

9. No cheque for public money shall issue except upon the certificate of the Provincial Auditor that there is legislative authority for the expenditure, save only in the following cases:—

1. If, upon any application for a cheque, the Provincial Auditor has reported that there is no legislative authority for issuing it, then upon the written opinion of the Attorney-General, or in his absence the Deputy-Attorney General, that there is such authority, citing it, the Treasurer may authorize the Assistant Treasurer to prepare the cheque, irrespective of the Provincial Auditor's report;

2. If, when the Legislature is not in session any accident happens to any public work or building which requires an immediate outlay for the repair thereof, or any other occasion arises when any expenditure not foreseen or provided for by the Legislature is urgently and immediately required for the public good, then upon the report of the Treasurer that there is no legislative provision, and of the Minister having charge of the service in question that the necessity is urgent, the Lieutenant-Governor in Council may order a special warrant to be prepared, to be signed by the Lieutenant-Governor for the issue of the amount estimated to be required, which shall be placed by the Treasurer to a special account, against which cheques may issue from time to time in the usual form, as they may be required;

3. In the absence of the Treasurer, or in the case of vacancy in the office of Treasurer, the Provincial Auditor is authorized to make the said report;

4. If the Provincial Auditor has refused to certify that a cheque of the Treasurer may issue, on the ground that the money is not justly due, or that it is in excess of the authority granted by Council, or for any reason other than that there is no legislative authority, then upon a report of the case prepared by the Provincial Auditor and the Treasurer, the Treasury Board shall be the judge of the sufficiency of the Provincial Auditor's objection, and may sustain him or order the issue of the cheque in their discretion;

5. The Provincial Auditor shall countersign all cheques issued by the Treasurer, but before so countersigning he shall satisfy himself that such cheques are authorized under some one or other of the provisions of this section;

6. The Provincial Auditor shall keep a cheque record-book with each bank upon which cheques are drawn, in which shall be entered all bank cheques countersigned by him, giving the date of issue, the name of the party to whose order payable and the amount; and the Auditor shall initial the
entry

entry of each cheque countersigned by him, after satisfying himself that such entry is correct.

10. It shall be the duty of the Provincial Auditor in all such cases to prepare a statement of all such legal opinions, reports of Council, special warrants, and cheques issued without his certificate and of all expenditure incurred in consequence thereof, which statement he shall deliver to the Treasurer, to be by him presented to the Legislative Assembly at the same time as the Public Accounts are presented.

Statement by Provincial Auditor of cheques, etc., issued without his certificate.

11. No payment shall be authorized by the Provincial Auditor in respect of work performed, or materials supplied by any person in connection with any part of the public service of the Province, unless, in addition to any other voucher or certificate which may be required in that behalf, the officer, under whose special charge such part of the public service is, certifies that the work has been performed, or the materials supplied, as the case may be, and that the price charged is according to contract, or, if not covered by a contract, is fair and just.

Accounts for work, etc., to be certified by officer in charge.

12. It shall be the duty of the Provincial Auditor to prepare and deliver to the Treasurer the Public Accounts to be annually laid before the Legislature.

Preparation of public accounts.

13. The Public Accounts shall include the period from the first day of January to the thirty-first day of December in each year, which period shall constitute the financial year; all estimates submitted to the Legislature shall be for the services coming in course of payment during the financial year; and any sums appropriated by the Legislature for the services of the year, which may be unexpended on the thirty-first day of December, shall not be expended thereafter, except in the payment of accounts and expenses incurred on or prior to that day; and all balances of appropriations which remain unexpended after the twentieth day of January shall lapse and be written off.

Financial year.

14. The Lieutenant-Governor in Council may also, from time to time, in case of exigency arising out of failure of the revenue from unforeseen causes, direct the Treasurer to effect any needed temporary loans, chargeable on the Consolidated Revenue Fund, in such manner and form, in such amounts, payable at such periods as the Lieutenant-Governor in Council may authorize; but such loans shall not exceed the amount of the deficiencies in the said Consolidated Revenue Fund to meet the charges placed thereon by law, and shall not be applied to any other purposes whatever.

Temporary loans to meet failure of revenue from unforeseen causes.

15. The Treasury Board may alter the period at or to which any accountant for public moneys, public officer, corporation

Treasury board may alter date of returns.

or institution, is required to render any account or to make any return, whenever in their opinion the alteration will facilitate the correct preparation of the public accounts or estimates for the financial year, anything in any Act to the contrary notwithstanding.

Audit by
deputy heads,
etc.

16. The deputy heads of the several departments, or the officers, clerks or other persons charged with the expenditure of public moneys, shall respectively audit the details of the accounts of the several services in the first instance; and be responsible for the correctness of such audit.

Examination
of vouchers.

17. In conducting the examination of the vouchers relating to the appropriation of the grants for the several services sanctioned by the Appropriation Act of the year, or by an Act of the Legislature, the Provincial Auditor shall test the accuracy of the castings and computations of the several items of such vouchers; but if he is satisfied that the accounts bear evidence that the vouchers have been completely checked, examined, and certified as correct in every respect, and that they have been allowed, and passed by the proper departmental officers, he may admit the same as satisfactory: Provided always, that if the Treasurer should desire any such vouchers to be examined by the Provincial Auditor in greater detail, the Provincial Auditor shall cause such vouchers to be subjected to such a detailed examination as the Treasurer may think fit to prescribe.

Appropriation
ledger.

18. The Provincial Auditor shall keep an appropriation ledger, in which shall be entered the several supply grants comprised in the Appropriation Act for the year, against which shall be charged all authorized expenditure out of such appropriations. The Provincial Auditor shall furnish to each Department monthly a statement of the charges entered against the several appropriations belonging to such Department, and shewing the balance at the credit of the appropriation at the close of the month. Whenever any appropriation is exhausted, the Provincial Auditor shall at once notify the Department to which the appropriation belongs. The Provincial Auditor shall not sanction any further payments to be charged to such exhausted appropriation except as hereafter provided.

Determina-
tion of differ-
ences as to
charges
against ap-
propriations.

19. Should any difference arise between the Provincial Auditor and any Department respecting the appropriation to which any authorized expenditure should be charged, such difference may by the Department be referred to the Treasury Board, and the Board shall determine in what manner and to what appropriation or account such expenditure shall be charged.

Payments in
excess of ap-
propriations.

20. In any case where an appropriation is exhausted and
the

the public interest or the urgent requirements of the public service necessitate further payments in excess of the appropriation, the head of the Department to which such appropriation belongs, or his Deputy, shall transmit to the Provincial Auditor the accounts for which payment is asked, with a special report as to the necessity of payment and the reasons why the appropriation is insufficient. The Provincial Auditor shall submit the said accounts and departmental report to the Treasury Board, with such remarks either approving or disapproving of the payment as he may consider necessary. If the Treasury Board approve of the payment of said accounts the Provincial Auditor, upon being notified of such approval, shall authorize the issue of cheques therefor.

21. The Provincial Auditor shall report to the Treasurer, for the information of the Legislative Assembly, all over expenditures of appropriations as granted by the Supply Bill, citing the recommendation and explanations of the Department and the authority of the Treasury Board.

Report of
over expendi-
ture.

22. In reporting, as hereinbefore directed for the information of the Legislative Assembly the result of the examination of the appropriation accounts, the Provincial Auditor shall call attention to every case in which it may appear to him that a grant has been exceeded, or that money received by a Department from other sources than the grants for the year to which the account relates has not been applied or accounted for according to the directions of the Legislature, or that a sum charged against a grant is not supported by proof of payment, or that a payment so charged did not occur within the period of the account, or was for any other reason not properly chargeable against the grant.

Particulars
which are to
be mentioned
in report of
Provincial
Auditor.

23. If the Treasurer does not, at the time prescribed by this Act, present to the Legislative Assembly any report made by the Provincial Auditor on the appropriation accounts, or any other accounts, the Provincial Auditor shall forthwith present such report.

Report by
Provincial
Auditor
to Legislative
Assembly.

24. Besides the appropriation accounts of the grants of the Legislature, the Provincial Auditor shall examine and audit, if required to do so by the Treasurer, and in accordance with any regulations that may be prescribed for his guidance in that behalf by the Treasury Board, the following accounts, viz: the accounts of all receipts of revenues forming the Consolidated Revenue Fund of the Province; the accounts current with the several banks and financial agents of the Province; the accounts relating to the issue or redemption of loans, and any other public accounts which, though not relating directly to the receipts or expenditure of the Province, the Treasury Board may direct.

Accounts
which are to
be examined
by Provincial
Auditor.

Accounts to
be submitted
to Provincial
Auditor.

25. The accounts which, by the last preceding section, the Treasurer is empowered to subject to the examination of the Provincial Auditor, shall be rendered to him by the Departments or officers directed so to do by the Treasurer; and the term "Accountant" when used in this and the following sections of this Act with reference to any such accounts, shall be taken to mean the Department or officer that may be so required by the Treasurer to render the same; and every public officer into whose hands public moneys, either in the nature of revenue or fees of office, shall be paid by persons bound by law or regulation to do so, or by subordinate or other officers whose duty it may be to pay such moneys, wholly, or in part, into the account of the Treasurer, or to apply the same to any public service, shall, at such times and in such form as the Treasury Board shall determine, render an account of his receipts and payments to the Provincial Auditor; and it shall be the duty of the Clerk of the Executive Council to inform the Provincial Auditor of the appointment of every such officer.

Approval of
accounts.

26. In all cases where the Provincial Auditor is required by the Treasurer to examine and audit the accounts of the receipt, expenditure, sale, transfer, or delivery of any securities, stamps, Canadian or other Government stock or annuities, provisions, stores, or other property belonging to the Province, he shall, on the examination of such accounts being completed, transmit a statement thereof, or a report thereon, to the Treasurer, who shall, if he thinks fit, signify his approval of such accounts; and the Provincial Auditor on receipt of such approval shall thereupon transmit to the accountant a certificate in a form to be from time to time determined by the Provincial Auditor, which shall be to such accountant a valid and effectual discharge from so much as he may thereby appear to be discharged from.

Provincial
Auditor
may
examine on
oath.

27. The Provincial Auditor shall have full power and authority to examine any person on oath or affirmation on any matter pertinent to any account submitted to him for audit; such oath or affirmation may be administered by him to any person whom he may desire to examine.

Recovery of
balances of
public money
in hands of
accountants.

28. Every accountant, on the termination of his charge as such accountant, or in the case of a deceased accountant his representatives, shall forthwith pay over any balance of public money then due to the Crown in respect of such charge to the public officer authorized to receive the same: and in all cases in which it shall appear to the Provincial Auditor that balances of public money have been improperly and unnecessarily retained by an accountant, he shall report the circumstances of such cases to the Treasurer, who shall take such measures as to him may seem expedient for the recovery by legal process, or by other lawful ways and means, of the amount of such balance or balances,

ances, together with interest, upon the whole or on such part of such balance or balances, for such period of time, and at such rate as to the Treasurer may appear just and reasonable.

CHAPTER 5.

An Act to amend the Act respecting the Taxation of Patented Lands in Algoma.

[Assented to 25th March, 1886.]

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. The tax to be collected under *The Revised Statute respecting the Taxation of Patented Lands in Algoma*, shall hereafter be one cent per acre instead of two cents, and section 1, of the said Revised Statute, is amended by striking out the words "two cents" in the first line of the said section, and substituting the words "one cent" therefor. R. S. O. c. 22, s. 1, amended.

2. The said Revised Statute shall apply to all the territory which, prior to the formation of the Provisional Judicial District of Thunder Bay, was included in the District of Algoma, and the said statute shall be held to extend, and to have extended to all such lands, notwithstanding the formation of the Provisional Judicial District of Thunder Bay. R. S. O. c. 22, to apply to Thunder Bay as well as to Algoma.

3.—(1) All lands within the Provisional Judicial Districts of Algoma and Thunder Bay, which are occupied as farming lands and *bona fide* used for farm purposes, shall be exempt from the said tax. Exemption of farming lands.

(2) No lands shall be entitled to the exemption provided for in this section, until the owner or other person claiming exemption, shall have furnished to the treasurer proof by affidavit or otherwise, that the lands in respect of which the exemption is claimed, were occupied for farming purposes as aforesaid, and shall have obtained the decision in writing of the Provincial Treasurer or Assistant Treasurer to the effect, that such lands are entitled to exemption under this section.

(3) The proof so furnished, shall be filed by the Treasurer in his office with a memorandum of his decision.

(4) No greater quantity of land than three hundred and twenty acres in the occupation of any one resident, shall be exempt, unless a larger quantity is in actual cultivation, in which case so much as is in actual cultivation shall be exempt.

Treasurer empowered to cancel taxes in certain cases.

4. The Treasurer may cancel the taxes charged on any land, on proof being made to his satisfaction in manner aforesaid, that the said land was, during the time for which the tax was imposed, occupied as farming lands, and *bona fide* used by the person claiming the benefit of this provision.

Reduction on arrears.

5. The Treasurer may publish in the *Ontario Gazette* a list of all amounts due on lands under the said Revised Statute for arrears of taxes up to the 31st day of December, 1885, and therewith may publish a notice stating that a discount of fifty per cent. will be allowed on such of the said sums in arrear, as shall be paid on or before the first day of December, 1886; and the Treasurer is hereby empowered to allow the said discount on payment within the time named.

Payment by instalments where present arrears exceed \$1,000.

6. Where the arrears of taxes now due on any lands *bona fide* owned by any person at the date of the passing of this Act exceed the sum of \$1,000, fifty per cent. of the same may be accepted by the Treasurer in two equal instalments, the first payable on or before the 1st day of December, 1886, and the second on or before the 1st day of December, 1887; and the fifty per cent. so paid in instalments as aforesaid, shall be accepted as full satisfaction of the said arrears. If both the said instalments are not paid as aforesaid the reduction of fifty per cent. of the taxes due shall not apply, and the collection of the arrears due shall be enforced as other arrears.

Appropriation of tax for school purposes.

7. The said taxes of one cent an acre hereafter imposed by this Act, upon all patented lands in school sections formed under section 41 of *The Public School Act*, shall, when collected, be paid over by the Provincial Treasurer yearly to the trustees of the respective School Sections entitled thereto.

Notice to be given to Treasurer by Secretary of school board.

8. On the formation of a School Section in any unorganized Township, the Secretary of the School Board shall give written notice thereof to the Provincial Treasurer, and shall also furnish him with a list of all the lands embraced in the said School Section, distinguishing such as are occupied as farming lands from those that are unoccupied.

Sales to be by Treasurer of Province.

9. The sales of lands for taxes under the said Revised Statute, shall hereafter be made by the Treasurer of the Province, instead of the Sheriff as therein provided, and the said Treasurer is hereby substituted for the sheriff of Algoma, or the sheriff of York, wherever either of the said officers is mentioned or referred to in the said statute.

R. S. O. c. 22, s. 8, repealed.

10. Section 8 of the said Revised Statute is repealed and the following substituted therefor:

Land to be sold when

Whenever any portion of the taxes so ascertained, made up and entered as aforesaid, has been due for three years, the Treasurer

Treasurer of the Province may sell the land for the arrears of taxes then due thereon, with costs. of taxes in arrear for three years.

11. Section 10 of the said Revised Statute is repealed, and the following substituted therefor: R. S. O. c. 22, s. 10, repealed.

Whenever a portion of the tax on any land has been due for three years, the Treasurer shall prepare a list of the lands on which taxes are so in arrear, shewing the amount of arrears due on each lot or parcel, and shall cause such list to be published twelve consecutive times in the *Ontario Gazette*, and for a like period in some newspaper published in the district in which the land lies, if any such there be; the Lieutenant-Governor in Council shall have power from time to time to extend beyond the term of three years, the time for the enforced collection by sale of the said taxes. Treasurer to publish list shewing arrears.

12. Sections 9, 21, 22, 24 and 28 of the said Revised Statute are hereby repealed. R. S. O. c. 22, ss. 9, 21-24 and 28, repealed.

13. Sections 137, 145, 150, 151, 155, 156, 157, 158, 159, 160, 161, 162, 163, 164 and 165, of *The Assessment Act*, shall apply to sales by the Provincial Treasurer under this Act and to the lands sold. Sections 137, 145, 150, 151, 155-165, of Assessment Act to apply.

CHAPTER 6.

An Act Respecting the Upper Canada Land Improvement Fund.

[Assented to 25th March, 1886.]

WHEREAS by chapter 3 of the Acts passed in the 45th year of Her Majesty's reign intituled *An Act Respecting the Upper Canada Land Improvement Fund* it was recited that under the authority of the fourteenth section of *The Public Lands Act, of 1853*, a fund known as the "Upper Canada Land Improvement Fund," was constituted; and the late Province of Canada, between the 6th day of March, 1861, and the 1st day of July, 1867, received on account of the said fund from sales of common school lands in Upper Canada, made between the 14th day of June, 1853, and the said 6th day of March, 1861, the sum of \$124,685.18; and the arbitrators to whom, under *The British North America Act, 1867*, were referred the division and adjustment of the debts, credits, liabilities, properties and assets of Upper Canada and Lower Canada, by their award made on the 3rd day

Preamble

day of September, 1870, declared the Province of Ontario entitled to the said sum; and that the said award was on the 26th day of March, 1878, by the order and judgment of Her Majesty in Council declared valid and binding; and that the said amount had not yet been paid over to this Province by the Government of Canada, but that it was expedient that it should no longer be withheld from the municipalities entitled thereto; and, whereas, by the said Act the said sum of \$124,685.18 was directed to be paid out of the Consolidated Revenue Fund of the Province to the municipalities entitled thereto; and whereas the Province of Ontario claims to be entitled, in its account with the former Province of Canada, to be credited with interest compounded half yearly on the said sum of \$124,685.18 from the 1st day of July, 1867; and whereas notwithstanding that no final settlement of account has yet been effected with the Government of Canada, it is expedient that in advance of said settlement, interest, in the meantime, should be allowed and paid to the municipalities entitled thereto upon the said sum of \$124,785.18, from the 1st day of July, 1867, to the 1st day of July, 1882, after the rate of five per cent. per annum;

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

Payment of interest to be made to municipalities.

1. Subject to the provisions hereinafter contained, there shall be distributed and paid out of the Consolidated Revenue Fund to the various municipalities entitled thereto in the same proportions as the principal sum of \$124,685.18 was distributed and paid, the sum of \$93,494.39, being the interest at five per cent. per annum from 1st July, 1867, to 1st July, 1882, on the said principal sum.

Payment where boundaries of municipalities have been changed.

2. In any case where there have been changes in the boundaries of municipalities, as referred to in section 3 of chapter 3, of the Acts passed in the 45th year of Her Majesty's reign, and a final settlement between the municipalities interested has not been arrived at under the provisions of the said section, the payment of the interest accruing to such municipalities under this Act shall not be paid until such agreement has been made, or until the proportion payable to each municipality has been determined by the Lieutenant-Governor in Council.

Application of moneys.

3. All moneys paid under this Act may be applied by the Council receiving the same for the use and benefit of the municipality, in any way the Council may see fit.

CHAPTER 7.

An Act respecting Free Grants and Homesteads to Actual Settlers on Public Lands in the District of Rainy River.

[Assented to 25th March, 1886.]

WHEREAS under instructions from the Department Preamble.
of the Interior of Canada, certain townships have been surveyed in the Rainy River District, the lots immediately upon the bank of Rainy River having a width of ten chains fronting the river and a varying depth, and the remaining lands so surveyed being subdivided into sections of one mile square, and quarter sections of one hundred and sixty acres, with road allowances around each section; and whereas a number of settlers have gone into occupation of the lands so surveyed, and it is expedient to adopt said surveys and otherwise provide for the settlement of the lands in question;

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. This Act may be cited as “*The Rainy River Free Grants and Homesteads Act, 1886.*” Short title.

2. The said surveys are hereby adopted and legalized, and the Department of Crown Lands is authorized to continue such system of survey within the District of Rainy River, so far as may be deemed expedient. Former surveys adopted.

3. The Lieutenant-Governor in Council may appropriate any lands in the Rainy River District considered suitable for settlement and cultivation, and not being mineral lands or pine timber lands, as free grants to actual settlers, under such regulations as shall from time to time be made by Order in Council not inconsistent with the provisions of this Act. Appropriation of lands for settlement.

4. *The Free Grants and Homesteads Act*, and the amendments thereto, saving and excepting as is hereinafter provided, and so far as the same are not inconsistent with the provisions of this Act, shall apply to lands opened for settlement under this Act. Application of R. S. O. c. 24, to this Act.

1. The male, or sole female, head of a family with children under eighteen years of age residing with him, or her, may be located for a free grant to the extent of one hundred and sixty acres, or a quarter section. Free grants to heads of families.

2. A male of the age of eighteen years, without children, may be located for a free grant to the extent of one hundred and twenty acres, or a half quarter section, together with an adjoining quarter quarter section. Free grants to males 18 years of age. 3.

Purchase of locations for children.

3. In addition to location each head of a family having children under eighteen years of age residing with him, or her, may purchase at the time of location an adjoining half quarter section, or eighty acres, at \$1 per acre, payable one-fourth cash and the balance in three equal annual instalments with interest.

Purchase of locations by males 18 years of age.

4. A male of the age of eighteen years, without children, entitled to locate, may purchase at the time of location an adjoining half quarter section, or eighty acres, at \$1 per acre, payable one-fourth cash, and the balance in three equal annual instalments with interest.

Issue of patents.

5. Patents for lands located and purchased under this Act may issue at the expiration of three years from the date of location and purchase.

Sale to person who has made improvements.

6. Where a person has, previous to the passing of this Act, made substantial improvements on two or more adjoining lots, and said lots contain more land than the person is entitled under this Act to locate and purchase, the Commissioner of Crown Lands may sell to such person such additional quantity of land at \$1 per acre as may, under the circumstances, seem just and equitable.

Issue of patents to persons having made improvements.

7. In case any person has occupied and made the required improvements upon one or more lots of land before the passing of this Act, the Commissioner of Crown Lands may, after location and purchase as hereinbefore provided, issue the patent therefor without waiting for the expiration of three years.

Reservation of pine trees, mines and minerals.

8. All pine trees growing or being upon any lands located or purchased under this Act, and all gold, silver, copper, lead, iron or other mines, or minerals, shall be considered as reserved from said location, or purchase, and shall be the property of Her Majesty, except that the locatee, or those claiming under him, may cut and use such trees as may be necessary for the purpose of building, fencing and fuel, on the land so located or purchased, and may also cut and dispose of all trees required to be removed, in actually clearing said land for cultivation, but no pine trees (except for the necessary building, fencing, and fuel as aforesaid) shall be cut beyond the limit of such actual clearing before the issuing of the patent; and all pine trees so cut and disposed of (except for the necessary building, fencing and fuel as aforesaid) shall be subject to the payment of the same dues as are at the time payable by the holders of licenses to cut timber or saw logs.

Trees to pass to patentee.

9. All trees remaining on the land at the time the said patent issues shall pass to the patentee.

Commencement of Act.

5. This Act shall not go into force until a day to be named by the Lieutenant-Governor by his proclamation.

CHAPTER 8.

An Act to amend the General Mining Act.

[Assented to 25th March, 1886.]

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows :—

1. Section 11 of *The General Mining Act*, being chapter R. S. O. c. 29, 29 of the Revised Statutes of Ontario, is hereby amended by striking out the words “one dollar” in the third line of the said section and substituting the words “two dollars” therefor. s. 11, amended.

CHAPTER 9.

An Act respecting Awards under The Niagara Falls Park Act.

[Assented to 25th March, 1886.]

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows :—

1. Any party to an arbitration under the provisions of *The Niagara Falls Park Act*, before the Official Arbitrators, therein described as the Provincial Arbitrators, may appeal from the award upon any question of law or fact to the Court of Appeal; and the said Court shall have the same jurisdiction therein as a Judge has on an appeal from a report or certificate under section 192 of *The Common Law Procedure Act*. Any reference back shall be to the Official Arbitrators. Any party may appeal from award.

2. The Secretary of the Department of Public Works, immediately after the receipt of the award from the Official Arbitrators, is to serve or cause to be served a true copy thereof upon any party interested who appeared before the Official Arbitrators in respect of the arbitration and proceedings upon which the award was made. Copy of award to be served.

3. Service of any notice, document or paper, on any solicitor or agent who appeared for any owner or claimant before the Official Arbitrators, shall be good service on the owner or claimant for all purposes under this Act; provided the service Service of papers on owners.
on

on the solicitor or agent be made personally or by leaving the notice or other document or paper at his office or place of business.

Notice of the appeal and transmission of award, etc., to Court.

4. A party desiring to appeal, may, immediately on the service of the award, or within seven days after notice of the making of the award has been published in the *Ontario Gazette*, and not later, give notice to the Secretary of the Public Works Department of his intention to appeal, and thereupon the Secretary shall transmit to the Registrar of the Court of Appeal the award, together with all depositions, documents, maps, plans, books, accounts, contracts and writings, filed in the Department in accordance with section 61 of *The Revised Statute respecting the Public Works of Ontario*; and the same shall be filed in the Court of Appeal with the records thereof, subject to such order as the Court may thereafter make for the return thereof to the Public Works Department.

Subsequent proceedings to hearing.

5. The party desiring to appeal shall, within two days of the day on which the said notice is given to the Secretary of the Public Works Department, enter the case with the Registrar of the Court of Appeal for hearing, and shall, within one day thereafter, give notice thereof and serve reasons for appeal against the award upon the opposite party, or upon the solicitor, or agent, who appeared on his behalf before the Official Arbitrators; and in case he does not give the said notice or serve the reasons of appeal at the time or within the period aforesaid, the appeal shall be taken as abandoned.

When appeals to be heard.

6. Appeals under this Act are to be heard in priority to any other appeals, unless the Court otherwise orders; and either party may apply to the Court or a Judge thereof, on two days' notice, to fix the earliest practicable day for the hearing of the appeal.

Appeal books.

7.—(1) The evidence taken or the exhibits used before the Arbitrators shall not be printed in the appeal books, except by consent of the parties. The appeal books shall contain the reasons of appeal and such parts of the award and proceedings relative thereto as are material to the question in appeal, and shall in other respects be prepared, as nearly as may be, in accordance with the practice on appeals from the County Court to the Court of Appeal.

(2) Either party may in the discretion of such party print the evidence or exhibits in a separate book and furnish copies for the use of the Court and counsel for the opposite party.

(3) No costs shall be taxed, whether between party and party or between solicitor and client, for any matter so printed by either party or for any matter appearing in the appeal books, unless the printing thereof was reasonably necessary to raise the question in appeal.

8. The Court may award costs of appeal to either party in its discretion; such costs shall be certified and form part of the award, and may be allowed and enforced against any party as the Court may direct; or when payable by any party in favour of whom payment is awarded by the award, the costs may be deducted from the amount awarded, or may be awarded and recovered according to the practice of the Court, if the Court so directs. Costs of appeal.

9. The judgment of the Court of Appeal shall be final; and if an appeal is not brought and proceeded with within the time aforesaid, the award shall be final. Judgment in appeal to be final.

10. The Board of Commissioners shall, for the purposes of this Act, be deemed to be a party to every arbitration or award under the said *Niagara Falls Park Act*. Board of Commissioners to be deemed a party.

CHAPTER 10.

An Act Respecting the Drainage Indebtedness of the Township of Sombra.

[Assented to 25th March, 1886.]

WHEREAS under the authority of an Act of the Legislature of the Province of Ontario, intituled *The Ontario Drainage Act*, and amending Acts, and in pursuance of a written request from the Municipal Council of said Township of Sombra, dated 2nd August, 1870, to the Honourable, the Commissioner of Public Works for the Province of Ontario, certain drainage works were undertaken to be carried out in pursuance of said Acts, and certain public moneys of the said Province were expended in improvements in the way of drainage within the limits of the said Township of Sombra; and whereas on the 28th day of May, 1878, at the request of the Honourable the Commissioner of Public Works, the said Council appointed three assessors, namely, John H. Jones, Charles Wilson, and J. S. Burnham, in accordance with the provisions of the said *Ontario Drainage Act*; and whereas the said assessors duly assessed the lands and roads benefited by such drainage works, but the Council of the said Township delayed until the proceedings hereinafter mentioned to complete the revision of the assessment; and whereas no sum having been paid to the Province of Ontario on account of the expenditure aforesaid, an action was commenced in the High Court of Justice, Chancery Division, on the 8th day of June, 1885, by the Attorney-General of the Province of Ontario against the said Township of Sombra to compel the completion of the assessment Preamble.

ment roll in order that the cost of the said drainage works might be recovered by the Province; and whereas on the 25th day of November, 1885, the said action was settled as set forth in the following minutes of judgment:—"The plaintiff undertaking on behalf of the Government of Ontario to pass an order in Council reducing the amount of the revised assessment roll, so as to make the amount with which said Township is chargeable in respect of the cost of the drainage work heretofore constructed by the Government in the said Township of Sombra on which the annual statutory rent charge for twenty two years is to be based the sum of \$42,500, the same to be computed as becoming due on the first day of January, 1885, and the first instalment thereof to be reckoned as becoming payable to the Province by the said Township of Sombra, on the first day of January, 1886; such reduction to be a ratable reduction on all amounts as revised on the revised assessment roll: provided that if the assessments against the Township of Chatham as fixed by arbitration at \$600, and that against the Township of Moore as fixed by arbitration at \$780, and that against Dawn, as fixed by the assessment from which there has been no appeal, at \$1,750, are duly and legally a first charge upon the lands and roads in said respective Townships in the assessment rolls mentioned, then such gross sum of \$3,130, so chargeable against the said Townships of Chatham, Moore and Dawn, shall be deducted from said sum of \$42,500 in computing the amount chargeable to, and exigible from the said Township of Sombra: (1) It is ordered that the defendants pay the said sum with interest, to be computed and added and divided into twenty-two annual instalments, according to the provisions of *The Ontario Drainage Act*, and amending Acts. (2) It is further ordered that the defendants take such proceedings to complete the assessment rolls relating to said drainage works as revised by the Court of Revision on that behalf, and to cause the assessors to prepare and attest a roll in accordance to their original assessment, as altered by the Court of Revision, and deposit within one month after the assessment roll has been finally settled by the Court of Revision a duplicate of the same with the Commissioner of Public Works, and another duplicate thereof with the Registrar of the County of Lambton. (3) It is further ordered that the Council of the said municipality shall pass such by-laws to collect the said assessment reduced as aforesaid, as may be necessary, and pay over the amount thereof in accordance with the statute in that behalf and this judgment, and do all things necessary to make such assessment, reduced as aforesaid, a first charge upon the lands and roads in said assessment roll mentioned, in accordance with the provisions of *The Ontario Drainage Act*. (4) And it is further ordered that the defendants do pay to the plaintiff the costs of this action forthwith after taxation."

And whereas the Court of Revision for the said Township of Sombra finally settled said assessment rolls for the said drainage works on the 30th day of October, 1885; and whereas one

Peter

Peter W. Merritt was appointed by the said Council as assessor in the room and stead of the said Charles Wilson, who, after the making of the said assessment, had departed this life; but the said John H. Jones, J. S. Barnham, and Peter W. Merritt, were unable to prepare and attest a roll in accordance with the original assessment, as altered by the Court of Revision, in time to permit a duplicate of the same being deposited with the Honourable, the Commissioner of Public Works, and another duplicate thereof with the Registrar of the County of Lambton, within one month after the assessment roll was finally settled by the Court of Revision; and whereas the said assessors, at as early a date as practicable, prepared and attested a roll, in accordance with the original assessment, as altered by the Court of Revision, and the Township of Sombra caused the said duplicates of such roll to be prepared, and the same were prepared and deposited, one copy with the Registrar of the County of Lambton, on the 3rd day of December, 1885, and one copy with the Honourable, the Commissioner of Public Works, on the 7th day of December, 1885; and whereas the said Municipal Corporation have prayed that the said assessment roll of the said drainage works as finally settled by the Court of Revision as aforesaid be confirmed, and that it be declared that the deposit of the said assessment roll with the Registrar of the County of Lambton on the 3rd day of December, 1885, and with the Honourable the Commissioner of Public Works on the 7th day of December, 1885, is a sufficient compliance with the terms of the said judgment, and with the provisions of *The Ontario Drainage Act* and amending Acts; and whereas it is expedient to grant the prayer of the said petition;

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. The minutes of judgment as set forth in the preamble to this Act, are hereby declared to be binding and valid in all respects upon the said Municipal Corporation, inhabitants, and property holders of the said Township of Sombra, and all other persons whomsoever. Minutes of judgment confirmed.

2. The said assessment rolls of the said drainage works of the Township of Sombra as finally settled by the Court of Revision of the said Township on the 30th day of October, 1885, are hereby declared to be legal and valid. Assessment rolls confirmed.

3. The deposit of one duplicate of the said assessment roll with the Registrar of the County of Lambton on the 3rd day of December, 1885, and the deposit of another duplicate with the Commissioner of Public Works on the 7th day of December, 1885, are respectively hereby declared to be valid and sufficient, notwithstanding that the same were not so deposited within the time limited by *The Ontario Drainage Act*, and the several Deposit of duplicate rolls declared valid.

several parcels and lots of land mentioned in the said roll, are hereby declared to have been duly charged with the payment of a rent charge equivalent to the amount placed against such parcels and lots respectively in the said roll, in accordance with the provisions of section 36 of *The Ontario Drainage Act* as amended by the Act passed in the 44th year of Her Majesty's reign and chaptered 3.

CHAPTER 11.

An Act to Consolidate and Amend the Agriculture and Arts Act.

[Assented to 25th March, 1886.]

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

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|---|---|
| Short title. | 1. This Act may be cited as " <i>The Agriculture and Arts Act</i> ." R. S. O. 1877, c. 35, s. 1. |
| Interpretation.
"Department."
"Commissioner."
"Bureau."
"Council."
"Electoral District." | <p>2. In the construction of this Act,</p> <p>1 "Department" shall mean the "Department of the Commissioner of Agriculture and Arts;"</p> <p>2 "Commissioner" or "Commissioner of Agriculture" shall mean the "Commissioner of Agriculture and Arts;"</p> <p>3 "Bureau" shall mean the "Bureau of Industries;"</p> <p>4 "Council" or "Council of the Association" shall mean "Council of the Agriculture and Arts Association;" and</p> <p>5 "District" and "Electoral District" shall mean a District as constituted for the purpose of representation in the Legislative Assembly, except as provided for in <i>The Franchise and Representation Act, 1885</i>. R. S. O. 1877, c. 35, s. 2.</p> |
| Societies continued. | 3. The Agriculture and Arts Association, the Council of the Agriculture and Arts Association, the Fruit Growers' Association of Ontario, the Entomological Society of Ontario, the Dairymen's Associations of Ontario, the Poultry Association of Ontario, and all Agricultural and Horticultural Societies heretofore recognized and existing in Ontario, shall continue, except so far as they may be altered or affected by this Act. R. S. O. 1877, c. 35, s. 4. |
| Commissioner to decide disputes. | 4. The Commissioner of Agriculture may decide all matters of doubt or dispute as to the working or construction of this Act, |

Act, and his decision shall be final, except that an appeal therefrom may be made to the Lieutenant-Governor in Council. R. S. O. 1877, c. 35, s. 3.

5. The Commissioner may appoint any person or persons to inspect the books and accounts of any Society or body in the Province receiving Government aid, and being in any way in connection with the Department, and may empower such person to summon witnesses and enforce the production of documents before him, and to take evidence upon oath in regard to such inspection; and all officers of any such Society or body whenever required so to do, shall submit the books and accounts thereof to such inspection and truly to the best of their knowledge answer all questions put to them in relation thereto, or to the funds of such Society or body. R. S. O. 1877, c. 35. s. 7.

Commissioner may appoint persons to inspect accounts of Societies, etc.

BUREAU OF INDUSTRIES.

6. There shall be attached to the Department of the Commissioner of Agriculture a Bureau, to be styled "The Bureau of Industries," for collecting, tabulating and publishing industrial information for public purposes, and the Commissioner shall be charged with the direction thereof. 45 V. c. 5, s. 2.

Bureau to be under direction of Commissioner of Agriculture.

7. It shall be the duty of the Commissioner to institute inquiries and collect useful facts relating to the agricultural and other industrial interests of the Province, and to adopt measures for disseminating or publishing the same in such manner and form as he finds best adapted to promote improvement within the Province; and (amongst other things) to procure and publish early information relating to the supply of grain, breadstuffs and live stock in the other Provinces of the Dominion, in Great Britain, and in the United States and other foreign countries in which the Province finds a market for its surplus products, and as to the demand therefor; and the Commissioner shall, on or before the first day of May in each year, cause to be published and distributed for the use of the members of the Legislature, the general report and the tabular abstract for the preceding year, made by the Secretary to the Commissioner, as provided by section 9 of this Act.

Useful facts relating to agriculture, etc., to be collected and published.

8. The Lieutenant-Governor may appoint a Secretary of the Bureau, and may also appoint such other officers as may be necessary for the proper conduct of the Bureau. 45 V. c. 5. s. 4.

Appointment of Secretary and other officers.

9. It shall be the duty of the Secretary, under the instructions of the Commissioner, to conduct all correspondence of the Bureau; to send to the proper officers and persons of whom such service is required the schedules, with instructions approved by the Commissioner, for the collection of facts and information

Duties of Secretary.

tion relating to Agriculture and other industries of the Province; to receive, abstract and tabulate the information collected and obtained, and to publish the same from time to time during the growing season; to prepare at the close of each year a general report to the Commissioner, including a tabular abstract of facts relating to land, trade, government, population, and other subjects compiled annually from the departmental records of the Province and from other available records; and generally to perform all work within the sphere of the Bureau as he may from time to time be directed by the Commissioner. 45 V. c. 5, s. 5.

Officers of certain societies and others to answer all official communications.

10. The officers of all societies and associations organized under *The Agriculture and Arts Act*, and of all municipal councils, school boards and public institutions, and all public officers of this Province, shall promptly answer all official communications from the said Bureau, shall from time to time collect and tabulate facts according to instructions to be furnished them, shall make diligent efforts to supply correct information on all questions submitted to them, and generally shall act as far as practicable upon the recommendations of the Commissioner; and any officer of any such society, association, council, school board or public institution making a false return of information, or refusing or wilfully neglecting to answer any question, or to fill up, tabulate and return official schedules according to instructions and within the prescribed times, or to furnish information relating to the industries of the Province, when required so to do either by the Commissioner or by the Secretary of the Bureau, shall for every such offence incur a penalty of \$40, which shall be recoverable by any person suing for the same before any Court of competent jurisdiction, and shall be paid to Her Majesty for the use of this Province. 45 V. c. 5, s. 6.

Arrangements with Government of Dominion.

11. The Commissioner of Agriculture, with the approval of the Lieutenant-Governor in Council, may make such arrangements as he deems expedient with the Government of the Dominion for the collection and transmission of information on the agricultural, manufacturing and other interests of the Province, or for obtaining for the use of the Province such information as may have been collected by the Department of the Minister of Agriculture. 45 V. c. 5, s. 7.

Officers, etc., entitled to copy of reports.

12. All collectors and officers employed in collecting data for the Bureau of Industries shall be entitled to receive one copy each of the publications and reports of the said Bureau. 45 V. c. 5, s. 8.

THE AGRICULTURE AND ARTS ASSOCIATION.

Who shall be members of the Association.

13.—(1) The members of the Council of the Agriculture and Arts Association, both elected and *ex officio*, the ex-Presidents of the

the Association, the President and first Vice-President of Electoral District Societies, of the Fruit Growers' Association, of the Entomological Society, of the Dairymen's Associations, of the Poultry Association, of the Bee-keepers' Association, and the Ontario Creameries Association, or any two members appointed to act instead of the President and Vice-President of any one of the foregoing societies, the Professors of the Ontario Agricultural College, life members, and all subscribers of \$1 annually (which shall entitle such subscribers to membership only for the year for which their subscription is paid), shall constitute the Agriculture and Arts Association; and the officers of the Council shall be the officers of the Association. R. S. O. 1877, c. 35, ss. 12 (1), 16, 25 (4); 45 V. c. 4, s. 1.

(2) The payment of \$10 shall constitute a life membership of the Association, when given for that special object, and not as a contribution to any local fund; and those persons who have heretofore been made life members under by-laws of the Association shall continue to be life members of the same. R. S. O. 1877, c. 35, s. 12, (2).

(3) The annual meeting of the Association shall be held at a time and place to be appointed by the Council, at which all matters of interest to the Association may be considered, and reports or recommendations may be made to the Council thereon.

14. All contracts and all legal proceedings by, with, or concerning the Association, shall be made and had with the said Council in its corporate capacity; and no other contract or legal proceeding shall bind or affect the Association. R. S. O. 1877, c. 35, s. 13.

Contracts to be made with Council.

15. All funds of the Association, except moneys paid out during the time of holding or within one week after the close of the annual Provincial Fair or Exhibition, shall be deposited to the credit of the Association, in a chartered bank of the Dominion of Canada, to be selected by the Council of the Association; and all payments made thereout shall be by cheques drawn on such bank by the Treasurer of the Association and countersigned by the Secretary thereof. R. S. O. 1877, c. 35, s. 14.

Funds of Association to be deposited in a chartered bank.

16. No resolution, by-law, or other proceeding of the Council involving an expenditure of money to an amount exceeding \$40 shall be passed or taken except with the assent of a majority of the members thereof, or upon the recommendation of an executive committee of not less than three members, who shall be appointed in accordance with a by-law of the Association. R. S. O. 1877, c. 35, s. 30.

Expenditure of money.

17. All liabilities of the Association shall, except in cases of reasonable dispute regarding the same, be paid on or before

Liabilities of Association to be paid by the 31st Dec.

the 31st day of December of the year in which the same were incurred; and when a payment is made through the post it shall be by cheque, payable at par by the bankers of the Association, at any of their offices in Canada. R. S. O. 1877, c. 35, s. 15.

Appointment
and report of
auditors.

18. On or before the 15th day of December in each year, two Auditors shall be appointed, one by the Commissioner of Agriculture and the other by the Council of the Association, whose duty it shall be to examine the accounts of all moneys received and expended by the Treasurer of the Association, and to examine into the assets and liabilities of the Association, and, on or before the 15th day of January ensuing, to report as to said accounts, receipts, expenditures, assets and liabilities to the Secretary of the Association; and the Council shall pay the Auditors a reasonable remuneration for their services. R. S. O. 1877, c. 35, s. 25 (2); 45 V. c. 4, s. 2.

THE COUNCIL OF THE ASSOCIATION.

Council of the
Association.

19. The Council of the Agriculture and Arts Association shall be composed of thirteen members, elected as hereinafter provided. R. S. O. 1877, c. 35 s. 18; 45 V. c. 4, s. 4.

Agricultural
Divisions.

20. Ontario shall be divided into thirteen Agricultural Divisions, designated by numbers, and comprising the Electoral Districts enumerated in Schedule A annexed to this Act; and each Division shall be represented by one member in the Council of the Association. R. S. O. 1877, c. 35, s. 19.

Four members
of Board to
retire annu-
ally.

21.—(1) Four (or five, as the case may be) members of the Council shall retire annually, in the order in which such members have been elected for the respective Divisions, each seat being vacated every third year; and the Secretary of the Association shall send a list of the names of the retiring members to the Secretary of each Electoral District Society on or before the 1st day of September in each year.

(2) The retiring members (who are eligible for re-election) may continue to exercise all their functions until their successors have been duly elected. R. S. O. 1877, c. 35, s. 21.

Nomination of
candidates.

22. The nomination of a candidate or candidates to represent an Agricultural Division in the Council shall be made in writing by ten or more members of some Electoral District Society in such Division, and forwarded to the Commissioner of Agriculture on or before the 15th day of December preceding the election; and the Commissioner shall, on or before the 26th day of December next ensuing, mail to the Secretaries of the several District Societies in such Division the names of all persons so nominated. 45 V. c. 4, s. 5 (4).

23.—(1) The members of the District Societies in each Division shall, at their several annual meetings provided by section 39 of this Act, elect from the persons nominated therefor one to represent their Division in the Council, each District Society having one vote, and the person receiving the largest number of votes of such District Societies shall be the member of the Council to represent such Division. District societies to elect a representative.

(2) In case the vote for such member results in a tie, then the District Society amongst those Societies voting for one or other of the persons in respect of whom the tie occurs which has the largest number of members, as appears by the report for the last calendar year, shall have the casting vote. Casting vote.

(3) Vacancies in the Council through death, resignation, or otherwise, shall be filled by the Commissioner. 45 V. c. 4, s. 5. Vacancies.

24.—(1) The first meeting of the Council, after the election of members in each and every year, shall be called by the Secretary some time during the month of February or of March; and at such meeting the members present shall elect from among themselves a President and Vice-President. President, etc., to be elected.

(2) The Council shall also appoint a Secretary and a Treasurer (neither of whom shall be members thereof), and may pay them reasonable salaries for their services. Secretary and Treasurer.

(3) The regular meetings of the Council shall be held pursuant to adjournment, or be called by the Secretary at the instance of the President, or in his absence of the Vice-President, or upon the written request of any three members; and at least seven days' notice of such meetings shall be given to each member. Regular meetings of the Council.

(4) In the absence of the President or Vice-President from any meeting, the Council may appoint a chairman *pro tempore*, and seven members shall be a quorum. R. S. O. 1877, c. 35, s. 25 (1-7); 45 V. c. 4, s. 7. Chairman pro tem. and quorum.

25. The Council may grant to the members thereof an allowance not exceeding \$4 per day for the days on which they are actually in attendance at the meetings of the Council, and an allowance not exceeding four cents a mile for the distance necessarily travelled by the members in going to and returning from said meetings. Allowance to members of Council.

POWERS AND DUTIES OF THE COUNCIL.

26. The Council shall continue to be a body corporate, and may acquire and hold land and personal property for the purposes of the Association, and may sell, mortgage, lease, or otherwise dispose of the same; and all property, real or personal, heretofore vested in or held by the Agriculture and Arts Association Council to be a body corporate.

Association shall continue to be vested in the said Association, and under the control of the Council thereof. R. S. O. 1877, c. 35, s. 23.

Powers of the Council.

27. The Council shall have full power to act for and on behalf of the Association; and all grants of money, subscriptions or other funds made or appropriated to or for the use of the Association (except money collected by or granted to any local committee for any special objects), shall be received by and expended under the direction of such Council. R. S. O. 1877, c. 35, s. 24; 45 V. c. 4, s. 6.

Duties of the Council.

28. It shall be the duty of the Council to take measures for the promotion of Agriculture and the useful Arts in the Province in any or all of the following ways, namely :

1. By holding agricultural meetings and shows of stock, implements, farm and horticultural products, machinery, manufactures and other works of art, either by themselves or under joint management with other Associations, whether such other Associations are incorporated under this Act or otherwise.

2. By aiding exhibition associations in accomplishing the same objects, by the granting of medals, prizes or other awards of merit.

3. By offering prizes for the best-managed farms, farm buildings, dairies, gardens, orchards, or vineyards.

4. By holding or aiding ploughing matches, and by the testing of agricultural implements and machinery.

5. By encouraging the planting of trees and the study of forestry.

6. By introducing and testing new varieties of grain, seeds, vegetables, or other agricultural productions.

7. By introducing or aiding in the introduction of new and improved breeds of animals, either from other countries or provinces, or from one part of the Province into another.

8. By offering premiums for reports on the breeding, rearing and feeding of animals, the management of the dairy, the production of wool, the improvement of agriculture and agricultural machinery and implements, the growth of timber, the adaptability of particular localities for particular branches of agriculture, the erection of farm buildings, fencing, draining, and other subjects relating to Agriculture or the useful Arts.

9. By causing, or aiding in causing, lectures to be delivered on such subjects and at such places as may be deemed in the interest of agriculture.

10. By keeping registers of pure bred stock, either by themselves or conjointly with other Associations, or bodies corporate.

11. And generally by adopting every means in their power to promote improvement in Agriculture and the useful Arts in the Province. 45 V. c. 4, s. 8.

29. The Council shall keep a record of their transactions, and may from time to time publish, in such manner and form as to secure the widest circulation among the Agricultural Societies, and among farmers generally, all such reports, essays, lectures, and other useful information as the Council may procure and adjudge suitable for publication. R. S. O. 1877, c. 35, s. 28. Records of transactions, essays, etc.

30. On or before the 1st day of February in each year the Council shall transmit to the Department a report for the preceding calendar year, wherein shall be embraced a record of their transactions, a detailed financial statement verified by the Auditors, a list of all persons to whom prizes have been awarded, either for exhibits at the Provincial Fair or for other objects, such information as they have obtained of progress made during the year in the several departments of the Fair as compared with previous years, and generally such means as have been used and measures taken by the Council under section 28 of this Act to promote improvement in Agriculture and the useful Arts. R. S. O. 1877, c. 35, ss. 29, 31, 33. Annual Report.

31. The corporation of any city or town may enter into an agreement with the Council, binding such corporation to erect buildings necessary for holding the annual exhibition of the Association; and in consideration thereof the Council may select such corporation as the one within whose territorial limits their exhibition shall be held; but in the event of such corporation failing to enter into a binding agreement as aforesaid on or before the first day of May in the year for holding such exhibition, the Council may change the place for holding the same, or may dispense with an exhibition for that year. R. S. O. 1877, c. 35, s. 34; 45 V. c. 4, s. 9. Agreement between corporations of Cities and Towns, and the Council, as to erecting exhibition buildings.

32. The Council shall, on or before the 15th day of December in each year, submit for the approval of the Lieutenant-Governor in Council an estimate of the sums required for the purposes of the Association for the ensuing year, giving in detail in such estimate as far as possible the particular object or objects to which the money is to be applied and the amount required for each. 45 V. c. 4, s. 3. Estimates to be submitted to Lieut.-Gov. in Council.

33. The Council shall, on or before the first day of October in each year fix the date at which the next annual exhibition shall be held. To fix the date of exhibition.

THE VETERINARY COLLEGE.

34.—(1) The Council may establish a Veterinary College for the Veterinary College.

the instruction of pupils, by competent and approved teachers, in the science and practice of the veterinary art, and may pass by-laws and adopt measures for the examination of such pupils in Anatomy, Physiology, Materia Medica, Therapeutics, Chemistry, and as to the breeding of domesticated animals; and, upon proof, to the satisfaction of the Council, that such pupils possess the requisite qualifications, may grant diplomas certifying that they are competent to practise as Veterinary Surgeons.

Veterinary practitioners.

(2) Veterinary practitioners holding such diplomas shall be entitled to professional fees in attending any Court of Law as witnesses in such cases as relate to the profession; and no person who does not possess a diploma or proper certificate from some duly authorized Veterinary College, within or without this Province, shall append to his name the term Veterinary Surgeon, or any abbreviation thereof.

Penalty on wrongfully assuming title of Veterinary Surgeon.

(3) Any person who wilfully and falsely pretends to be, or who wilfully and falsely takes or uses any name, title, addition, abbreviation or description implying or calculated to lead people to infer that he is, or is recognized by law as, a Veterinary Surgeon, within the meaning of the foregoing sub-sections of this section, or that he possesses a diploma or proper certificate from some duly authorized Veterinary College within or without the Province, shall, upon summary conviction before any Justice of the Peace, pay a penalty not exceeding \$100, and not less than \$25.

Prosecutions.

(4) All prosecutions under this section may be brought and heard before and by any Justice of the Peace having jurisdiction in the locality where the offence is alleged to have been committed, and such Justice shall have power to award payment of costs in addition to the penalty; and, in case the penalty and costs awarded by him are not upon conviction forthwith paid, to commit the offender to the common gaol, there to be imprisoned for any term not exceeding three months, unless the penalty and costs are sooner paid.

Application of penalties.

(5) All penalties recovered under this section shall be paid to the convicting Justice, and be paid by him to the Treasurer of the Agriculture and Arts Association, and shall thereupon form part of the funds of the said Association, and be accounted for as such.

Security to be given on appeals.

(6) Any person convicted under this section who gives notice of appeal against the decision of the convicting Justice shall, before being released from custody, give to the said Justice satisfactory security for the amount of the penalty and costs of conviction and appeal.

Any one may prosecute within one year.

(7) The Council or any person may be prosecutor or complainant under this section, and every prosecution thereunder shall be commenced within one year from the date of the alleged offence. R. S. O. 1877, c. 35, s. 27.

ELECTORAL DISTRICT AGRICULTURAL SOCIETIES.

35.—(1) An Agricultural Society may be organized in each of the Electoral Districts of Ontario in which there is not one already organized, whenever eighty persons have become members thereof by signing a declaration in the form of Schedule B to this Act annexed, and paying each not less than \$1 to the funds of the Society for that year; and a true copy of the said declaration shall, within one month after the money has been so paid, be transmitted to the Commissioner of Agriculture, who shall appoint and authorize a person to call the first meeting for the formation of the Society for the third Wednesday of January next ensuing (of which at least two weeks' notice shall be given by advertisement in a newspaper published in the county or district, and by placard), at which meeting the election of officers, and the election of a representative as provided by section 23 if one is to be elected for that year, shall take place; and upon the receipt of a report of the meeting by the Department, the Society so organized shall be deemed the Electoral District Society, and shall be entitled to receive the Government grant hereinafter provided.

Society may
be organized
in each Elec-
toral District.

(2) All subsequent annual meetings shall be called and held as provided in section 39 of this Act; and all persons paying each the sum of \$1 (or such other sum, not being more than \$2, as the Directors may by by-law fix) annually to the funds of the Society shall be members thereof. R. S. O. 1877, c. 35, ss. 35 (1), 36.

36.—(1) The several District Societies organized at the time of the passing of this Act, or which may hereafter be organized, shall be bodies corporate, with power, to acquire and hold land as a site for fairs and exhibitions or for a school farm, and, subject to the approval of a meeting of the Society called for the purpose, to sell, mortgage, lease, or otherwise dispose of the same, or any other property held by such Societies.

District
Societies to be
bodies cor-
porate.

(2) At least one week's previous notice of such meeting shall be given by advertisement in a newspaper published in the county or District and by placard; and at such meeting only members of at least two years' standing shall be allowed to vote. R. S. O. 1877, c. 35, s. 37.

37.—(1) The objects of the said Societies, and of the Town-ship Societies in connection therewith, shall be to encourage improvement in Agriculture, Horticulture, Manufactures, and the useful Arts:

Objects of
Societies.

- (a) By holding meetings for discussion and for hearing lectures on subjects connected with the theory and practice of improved husbandry or other industrial processes;
- (b) By promoting the circulation of agricultural, horticultural and mechanical periodicals;

(c)

- (c) By importing and otherwise procuring seeds, plants and animals of new and valuable kinds ;
- (d) By offering prizes for essays on questions of scientific inquiry relating to Agriculture, Horticulture, Manufactures, and the useful Arts ;
- (e) By awarding premiums for excellence in the raising or introduction of stock, the invention or improvement of agricultural or horticultural implements and machinery, the production of grain and of all kinds of vegetables, plants, flowers and fruits, and generally for excellence in any agricultural or horticultural production or operation, article of manufacture or work of art.
R. S. O. 1877, c. 35, s. 35.

Horticultural societies.

(2) The objects of Horticultural Societies shall be the same as those of District and Township Agricultural Societies, but in relation to Horticulture and Arts only. R. S. O. 1877, c. 35, s. 66.

Application of funds.

38. The funds of the Societies, howsoever derived, shall not be expended for any objects inconsistent with those above mentioned. R. S. O. 1877, c. 35, s. 39.

Annual meeting.

39. The annual meeting of every District Society shall be held on the third Wednesday of January in each year, in a county at one o'clock in the afternoon, and in a city at seven o'clock in the afternoon ; and at least two weeks' previous notice of such meeting shall be given by advertisement in a newspaper published in the county or District, and by placard. R. S. O. 1877, c. 35, s. 40.

Election of officers.

40. The Society shall at such meeting elect a President, two Vice-Presidents, and not more than nine other Directors, and the officers so elected shall appoint from amongst themselves, or otherwise, a Secretary and a Treasurer (or a Secretary-Treasurer), and the Society shall also elect two Auditors ; and a majority of the Board of Directors so elected shall be resident in the District. R. S. O. 1877, c. 35, s. 41 ; 42 V. c. 10, s. 1.

Annual report.

41.—(1) The officers of the Society shall present at such meeting a report of their proceedings for the past calendar year, in which shall be stated the names of all the members of the Society, the amount paid by each being set opposite to his name, the amount awarded in prizes to each kind of live stock, agricultural products, implements, domestic products or other objects respectively, together with such remarks and suggestions upon the agriculture and horticulture of the District, and the arts and manufactures therein, as they are enabled to offer. R. S. O. 1877, c. 35, s. 45.

Annual accounts.

(2) There shall also be presented a detailed statement of the receipts and disbursements of the Society during the past calendar year, and also an analyzed statement in which shall
be

be shewn the expenses of management under separate and distinct heads. R. S. O. 1877, c. 35, s. 46.

42. The said report and statement, if approved of by the meeting, shall be entered in the Society's journal, to be kept for such purpose, and signed by the President or Vice-President as being a correct entry; and a true copy of such report, an abstract of the analyzed statement, a list of the officers of the Society elected for the ensuing year with the post-office address of each, and the name of the candidate chosen to represent the Division in the Council if one is to be elected for that year, duly certified by the President or Secretary for the time being, together with the reports of all Township and Horticultural Societies in the District, shall be sent to the Department on or before the first day of February next following. R. S. O. 1877, c. 35, ss. 42, 47, 48.

Entry of report.

Copy of District, Township and Horticultural Societies report to be sent to Department.

43.—(1) The first meeting of the officers of a Society may be held upon the day of the annual meeting, and the subsequent meetings shall be held pursuant to adjournment, or be called by written notice given by authority of the President, or in his absence of the senior Vice-President, or in the absence or on the neglect of the President or Vice-President, then written request of any three of the directors, at least one week before the day appointed, and at any meeting five shall be a quorum.

Meetings, etc.

(2) At any meeting called by written notice (in which notice the object of the meeting shall be specified), the officers may make, alter and repeal by-laws and rules for the regulation of the Society and the carrying out of its objects. R. S. O. 1877, c. 35, ss. 43, 44.

Officers may make by-laws, etc.

44. When any Electoral District is divided into two or more Electoral Districts, it shall be necessary to organize a new Agricultural Society for each; and any property that may have been held by the Agricultural Society representing the Electoral District prior to such division, or the value thereof, shall be equitably apportioned or divided by three arbitrators, or a majority of them, one to be appointed by the officers of the Society in each new Electoral District, and another arbitrator to be chosen by the arbitrators so appointed, or, in the event of the said arbitrators failing to choose such third arbitrator within ten days after being appointed, then the Senior County Judge having jurisdiction in the District shall appoint such third arbitrator; and in cases where new Electoral Districts have been formed for the purpose of representation in the Legislative Assembly by townships taken from two or more Electoral Districts, then any property, real or personal, which originally belonged to the District Societies of such Electoral Districts before the said townships were taken therefrom shall in like manner be equitably

Division of Electoral Districts.

New Electoral Districts.

equitably apportioned between such new Electoral District Society and each of the original Societies of the Electoral Districts out of which such new District has been formed. R. S. O. 1877, c. 35, s. 49.

Act to apply to Electoral Districts to be hereafter formed.

45. The provisions of the sections of this Act applying to Agricultural Societies, with regard to grants and Electoral Districts, conditions of grants, etc., shall extend to any new Electoral Districts to be hereafter formed in Ontario. R. S. O. 1877, c. 35, s. 50.

TOWNSHIP AND HORTICULTURAL SOCIETIES.

Formation of Township and Horticultural Societies.

46. Fifty or more persons when the number of ratepayers on the last revised assessment roll is two hundred or over, and thirty or more when the number of ratepayers is less than two hundred, may organize themselves into an Agricultural Society in any township, and into a Horticultural Society in any city, town or incorporated village, by signing a declaration in the form of Schedule B annexed to this Act, and paying each not less than \$1 to the funds of the Society for that year; and all persons thereafter paying each the sum of \$1 (or such other sum, not being more than \$2, as the Society may by by-law fix) annually to the funds of the Society, shall be members thereof. R. S. O. 1877, c. 35, ss. 51, 61.

Declaration.

47.—(1) The declaration shall be written and signed on the first page or pages of a book to be kept by the Society for recording the minutes of its proceedings during the first year of its existence, and a copy thereof certified by the President and Secretary shall within one week of the first meeting of the Society be transmitted to the Secretary of the District Society with which such Society is connected; and each Township and Horticultural Society shall be legally known and designated by the name of the municipality in which it exists, and there shall not be more than one Society in any such municipality.

Name of Society.

Union Societies.

(2) Two or more adjoining townships may unite to form a Township Agricultural Society; and two or more adjacent cities, towns or incorporated villages may unite to form a Horticultural Society; and the Society shall be known by the name of the union of townships or of towns. R. S. O. 1877, c. 35, ss. 51, 53, 62.

First meeting.

48. The first meeting of a Township or Horticultural Society shall be called by the head of the municipality (or, in case of a union of municipalities, by the heads of said municipalities), at which meeting the election of officers mentioned in section 51 shall take place; and the Society so organized shall be entitled to share in the Government grant as herein-after provided. R. S. O. 1877, c. 35, s. 52.

49. Meetings of the officers of a Township or Horticultural Society shall be called and held as provided in section 43 of this Act for meetings of the officers of a District Society ; and at such meetings they may make, alter, or repeal by-laws and rules, not being contrary to this Act or to the laws of the Province, fixing the fee for members and prescribing the mode for the election of officers, and otherwise for regulating and administering the affairs and property of the Society and for carrying out its objects.

Meetings of officers.

By-laws.

50.—(1) Any Township or Horticultural Society, organized as provided in sections 46, 47 and 48, may at any regular meeting adopt a resolution that the said Society is desirous of being incorporated ; and upon filing with the Department of Agriculture the said resolution, and a certificate of the Secretary of the District Society with which such Society is connected that it is the recognized Society of the municipality which it professes to represent, such Society shall thenceforth be and become a body corporate, and may acquire and hold, lease, mortgage and alienate property, real and personal, but only for the purposes of such Society and subject to the provisions of section 55 of this Act ; and it shall be the duty of the Secretary of the District Society to sign the certificate above referred to whenever requested to do so. R. S. O. 1877, c. 35, s. 54 ; 45 V. c. 4, s. 12.

Incorporation of Societies.

(2) Every Township and Horticultural Society incorporated previous to the passing of this Act shall be deemed as duly incorporated.

51. The said Societies shall hold their annual meetings on the second Thursday in January of each year, and shall each elect a President, a Vice-President, and not less than three, nor more than nine other Directors ; and the officers so elected shall appoint from amongst themselves or otherwise, a Secretary and a Treasurer (or a Secretary-Treasurer), and the said Societies shall also elect two Auditors. R. S. O. 1877, c. 35, s. 55.

Annual meeting.

Election of officers.

52. The said officers shall prepare and present at the annual meeting of the Society a report of their proceedings for the last calendar year, in the same manner as hereinbefore directed for District Societies, and containing information under the same heads (but, in the case of Horticultural Societies, with reference to Horticulture and Arts only), and a true copy thereof, certified by the President or Vice-President, shall be transmitted to the Secretary of the District Society with which such Society is connected in time for the annual meeting thereof in January. R. S. O. 1877, c. 35, ss. 56, 66.

Annual report.

53.—(1) In cases where part of a township is in one Electoral District and part in another, the Township Society shall

Report where township is divided.

shall transmit a copy of its annual report to the Secretary of each such District Society, as provided for in the preceding section; and such Township Society shall also send to the respective Treasurers of the said District Societies a list of the subscriptions of its members, attested as in other cases provided for by section 58 of this Act; and, based on such returns, shall receive from each of such District Societies its share of all legislative and other public grants, but in the proportion of fifty per cent. only of such returns, as compared with the returns of other townships in the respective Districts.

Report of
union Society.

(2) In the case of a union of townships to form one Township Society, or of any adjacent cities, towns or villages to form a Horticultural Society, where one is in one District, and the other in another District, then such Union Society shall report to and do and be dealt with in all respects in the same manner as is herein provided for in the case of a township partly situated in one and partly in another District. R. S. O. 1877, c. 35, s. 57.

Dissolution of
union town-
ship Societies.

54. Where two or more municipalities have united to form a Township or a Horticultural Society, a majority of such of the members of the Society as reside in any one of the municipalities comprising the Union may, by writing signed by such majority and addressed to the officers of the united Society, express their desire to separate, and may thereupon organize a new Society for such municipality in the manner provided by sections 46 and 47, and the former united Society shall thereupon become dissolved and cease to exist; and the assets of the Union Society shall be divided in the manner provided by section 44 in regard to the assets of separating Electoral District Societies. R. S. O. 1877, c. 35, s. 58.

How assets
divided.

Power to
sell lands.

55. Any Township or Horticultural Society holding land or buildings for the purpose of Agricultural Fairs or Exhibitions may, subject to the approval of a meeting of the Society called for the purpose (at which meeting only members of at least two years' standing shall be allowed to vote), sell, mortgage, lease, or otherwise dispose of the same. R. S. O. 1877, c. 35, s. 59.

Powers as to
lands.

56. Any Township Society and Town or Village Municipality that had, prior to the 4th day of March, 1868, jointly purchased and held any lands or buildings for the purpose of Agricultural Fairs or Exhibitions, may continue jointly to hold such lands or buildings, or may sell, mortgage, lease or otherwise dispose of the same, subject to the approval of a meeting of the Society as provided in the foregoing section. R. S. O. 1877, c. 35, s. 60.

LEGISLATIVE GRANTS.

Grants to
District So-

57.—(1) An Electoral District Society, so long as the number of its *bona fide* members is not less than eighty, having forwarded

forwarded to the Commissioner a copy of its report and statements for the year then last past, as required by section 42, and transmitting to the Commissioner on or before the 1st day of September in each year an affidavit (which may be in the form of Schedule C annexed to this Act, and may be sworn to before any Justice of the Peace), stating the amount subscribed for that year and paid to the Treasurer of the District Society by the members thereof, together with the amounts returned to the said Treasurer of the District Society by the several Horticultural and Township Agricultural Societies of the said District, as provided in section 58 of this Act, shall be entitled (subject to the limitations hereinafter mentioned) to receive a sum, to be paid out of any unappropriated moneys in the hands of the Treasurer of the Province, equal to three times the whole amount certified by the said affidavit of the Treasurer of such Electoral District Society; but the whole amount to any District Society shall not exceed \$700 in any year, and no grant shall be made unless the amount so certified by the affidavit of the said Treasurer is \$130 or upwards.

cieties, and
conditions
thereof.

Proviso.

(2) The City of Toronto (which for the purposes of this Act is constituted one Electoral District) shall not receive more than \$550 in any year; and the Districts of the City of Kingston, the City of Hamilton, the City of London, the City of Ottawa, the Town and Township of Cornwall, and the Town and Township of Niagara shall not receive more than \$350 respectively, in any year. R. S. O. 1877, c. 35, s. 67.

Proviso.

58.—(1) Every Township or Horticultural Society connected with a District Society, having made a report of its proceedings as required by section 52, and transmitted to the Treasurer of the District Society on or before the 1st day of August in each year a list of the members of the Society and the amount subscribed and paid by each for the year, attested by an affidavit of its Treasurer (which affidavit may be in the form of Schedule D), and so long as the number of its *bona fide* members is not less than the number required for organization, shall be entitled to a share of the grant made to the District Society in proportion to the amount subscribed and paid by the members of other Township and Horticultural Societies of the District; and the Treasurer of the District Society shall pay over to such Township or Horticultural Society its share of the public grant as soon as the said grant is received by him. R. S. O. 1877, c. 35, s. 68.

Share of grant
to Township
and Horticultural
Societies
and conditions
thereof.

(2) The declaration mentioned in sections 46 and 47 of this Act shall be deemed a sufficient report in the first year in which any Township or Horticultural Society has been organized. R. S. O. 1877, c. 35, s. 69 (2).

(3) No subscription by a member for a greater amount than \$2 shall be considered as a basis of division, or included in the affidavit made by the Treasurer.

Division of
grant received
by District
Society.

59. Three-fifths of the grant received by an Electoral District Society shall be subject to division among the Township and Horticultural Societies connected therewith; but no Society shall thus receive more than three times the amount returned by it as subscribed and paid by its members, nor more than one-fifth of the entire grant to the District Society; and any balance of the three-fifths not appropriated under this distribution shall remain to the District Society. R. S. O. 1877, c. 35, s. 69 (1, 2).

Special grants.

60. In the case of a Township Society in one of the outlying parts of the Province not connected with a District Society, or of any Township Society whose circumstances may be regarded as special, the necessary report and statement shall be transmitted to the Commissioner; but no grant shall be made to such Society unless the amount certified in the affidavit as subscribed and paid by members is \$30 or upwards, nor shall the grant exceed three times the amount of the local subscription.

Rights of
members of
Township So-
cieties in Dis-
trict Society.

61. Nothing in this Act contained shall be construed as admitting any member of a Township Society, in virtue of his subscription thereto and without further subscription to the Electoral District Society, to any of the privileges of a member of such Electoral District Society, except where the Electoral District Exhibition is held within the limits of a township, as mentioned in section 64 of this Act. R. S. O. 1877, c. 35, s. 70.

EXHIBITIONS.

Where Exhi-
bitions of Dis-
trict Society
held.

62.—(1) The exhibition of the Electoral District Society shall be held wherever the majority of the officers, or of a quorum thereof, think fit, giving due and public notice thereof, within the limits of the District, or of any adjoining District or township with the Society of which they may unite their funds as hereinafter mentioned.

(2) Whenever the officers of any District or Township Society have by by-law or resolution fixed upon a place or places for holding the exhibition or exhibitions of such Society for any year or years, then the place or places for holding such exhibition or exhibitions shall not be changed except by the vote of a majority of the members of such Society of at least two years' standing, present at a special meeting called by the officers of such Society for the purpose of considering the proposed change; and at least two weeks' previous notice of such meeting shall be given by advertisement in a newspaper published in the county or District, and by placard.

(3) Such meeting shall be at the hour of nine o'clock in the forenoon; and if a poll is demanded the same shall be opened at one o'clock in the afternoon and closed at six o'clock in the afternoon

afternoon, after which time no votes shall be taken ; and the presiding officer shall thereupon declare the result of the poll.
R. S. O. 1877, c. 35, s. 71.

63. Any two or more Electoral District Societies, or a District Society and any recognized Township or Horticultural Society or Societies, or any two or more such Township or Horticultural Societies, or the Society of a City Electoral District and any Township or Horticultural Society or Societies adjoining such City Electoral District, may, by agreement between the officers or a majority of the officers of each such Society, unite their funds or any portion thereof for the erection of suitable buildings in which to exhibit articles of produce or manufacture, or works of art, and for annual or extra exhibitions, or for ploughing matches, or for any other purpose likely to promote Agriculture, Horticulture, Arts and Manufactures, and may acquire by purchase or lease, and hold, sufficient land for this purpose from time to time, and may, subject to the approval of a meeting of the Society called for the purpose, at which meeting only members of at least two years' standing shall be allowed to vote, sell, mortgage, lease or otherwise dispose of the same. R. S. O. 1877, c. 35, s. 72.

64.—(1) The exhibitions of any Township Agricultural Society shall be held at such place as shall afford sufficient accommodation for such exhibitions ; but no separate Township Agricultural Exhibition shall be held within five miles of the place at which the Electoral District Exhibition is held for any year in the same township ; but a Township Agricultural Society may unite with a District Society, and may merge its funds with those of a District Society for that year, and if so merged the members of such Township Society shall be entitled to all the privileges of members of the District Society at the exhibition, and the President, Vice-President and Directors of such Township Society shall be co-Directors with the Directors of the District Society for the conducting and management of such exhibitions. R. S. O. 1877, c. 35, s. 73.

(2) But where a Township Society unites with a District Society other than the District Society within the limits of which the township is situated, the Township Society shall only be entitled to share in the distribution of the three-fifths of the Government grant upon the amount of members subscriptions paid by members resident within the township, and the Secretary of the Township Society in his returns to the Treasurer shall distinguish the members so resident from other members.

OTHER ASSOCIATIONS.

65.—(1) The Associations now existing, and known as "The Fruit Growers' Association of Ontario," "The Entomological Society" Fruit Growers Association, Entomological Society

Society,
Dairymen's
Associations,
etc.

Society of Ontario," "The Dairymen's Association of Eastern Ontario," "The Dairymen's Association of Western Ontario," and "The Poultry Association of Ontario," shall each continue to be a body corporate, to comprise not less than fifty members, and may each make by-laws and regulations for the Association's guidance and proper management, not being contrary to the provisions of this Act or the general laws of the Province. R. S. O. 1877, c. 35, ss. 89, 94, 98; 42 V. c. 11, ss. 1-5.

Bee-keepers
and Cream-
eries Asso-
ciations.

(2) The Associations now existing, and known as "The Bee-keepers' Association of Ontario" and "The Ontario Creameries Association," are hereby declared to be bodies corporate, to comprise not less than fifty members each, and may each make by-laws and regulations for the Associations guidance and management, subject to the provisions of the foregoing sub-section.

Annual
grants.

66. Each of such Associations, so long as the number of its *bona fide* members is not less than fifty (each paying an annual subscription of not less than \$1), and so long as it complies with the provisions of this Act, shall be entitled to receive from unappropriated moneys in the hands of the Treasurer of the Province a specified sum to be placed in the estimates and voted by the Legislature for each year; provided that the Secretary of each of the said Associations shall, on or before the 1st day of September in each year, transmit to the Commissioner of Agriculture an affidavit, which may be sworn to before any Justice of the Peace, stating the number of members who have paid their subscriptions for the current year, and the total amount of such subscriptions. R. S. O. 1877, c. 35, ss. 90, 95, 99; 42 V. c. 11, s. 10.

Proviso.

Annual
meeting.

67.—(1) Each of such Associations shall hold an annual meeting at such time and place as may be determined upon; and each Association shall at such annual meeting elect a President and a Vice-President, and shall also elect one Director from each of the Agricultural Divisions included in such Association's limits; and the officers and Directors so elected shall appoint from among themselves, or otherwise, a Secretary and a Treasurer (or a Secretary-Treasurer); and each Association shall elect two Auditors. The Dairymen's Associations of Eastern and Western Ontario may each elect two Vice-Presidents. R. S. O. 1877, c. 35, ss. 91, 96, 101; 45 V. c. 11, s. 7.

Election of
officers.

Powers of
officers.

(2) The officers shall have full power to act for and on behalf of the Association, and all grants of money and other funds of the Association shall be received and expended under their direction, subject, nevertheless, to the by-laws and regulations of the Association. R. S. O. 1877, c. 35, s. 92.

Report to
Commis-
sioner.

68. At each annual meeting the retiring officers shall present a full report of their proceedings, and of the proceedings of the Association, and a detailed statement of its receipts and expenditure for the previous year, duly audited by the Auditors;

Auditors; and a copy of said report, a statement of receipts and expenditure, and a list of the officers elected, and also such general information on matters of special interest to each Association that such Association may have been able to obtain, shall be sent to the Commissioner within forty days after the holding of such annual meeting. R. S. O. 1877, c. 35, ss. 91, 96, 102; 42 V. c. 11, s. 8.

69. The Dairymen's Association of Eastern Ontario, The Dairymen's Association of Western Ontario and the Poultry Association of Ontario shall each hold an annual exhibition, at such time and place as each of the said Associations shall at its annual meeting appoint, or may hold its exhibition in conjunction with any other Agricultural Association, whether such other Association is incorporated or organized under this Act or otherwise. R. S. O. 1877, c. 35, s. 103; 42 V. c. 11, s. 6.

GENERAL PROVISIONS OF THE ACT.

70. All persons not under eighteen years of age who have paid the membership subscription for the year then next ensuing to any Society organized under this Act shall have the right of voting at the election of officers (including in the case of an Electoral District Society the election of a representative of an Agricultural Division in the Council of the Agriculture and Arts Association if one is to be chosen that year), and on all other questions submitted to the annual meetings of such Societies. R. S. O. 1877, c. 35, s. 105.

Right of
voting.

71. No membership subscriptions for the ensuing year paid after the President or presiding officer has declared the poll open for the election of officers shall entitle any member to vote for such officers, or shall render him eligible for election as an officer, nor, except in the case of the City and Town Electoral District and Horticultural Societies, shall any votes be received earlier than one o'clock in the afternoon nor later than six o'clock in the afternoon of the same day. R. S. O. 1877, c. 35, s. 106.

Payment of
subscriptions
after poll
opened not to
entitle to vote.

72. Except as otherwise provided, a vacancy occurring by the death or resignation of any officer of an Agricultural or other Society organized under this Act may be filled by the remaining officers thereof; and it shall be the duty of such officers, and they are hereby empowered, to nominate and appoint a fit and proper person to fill the office for the unexpired term of the person so dying or resigning; but in the event of the remaining officers being insufficient to form a quorum, or if for any reason a quorum cannot be obtained, then persons to fill the vacant offices shall be elected in manner provided in the next section. R. S. O. 1877, c. 35, s. 107.

Vacancies.

73.—(1) In the event of an election of any officers of any Association, Council, Society or other body coming within the provisions

Where elec-
tion illegal
and void.

provisions of this Act not being held at the time or place herein directed, or being for any reason illegal and void, then the persons in office at the time when such election should have been legally held shall continue to be, and shall be deemed to be, the officers of such Association, Council, Society or body until their successors are legally appointed, and, in the event of any such non-election, or illegal election, a special meeting of the members of such Association, Council, Society or other body shall be called as soon as practicable for the election of such officers; such meeting to be called (in the manner provided in section 39 in the case of the annual meeting of an Electoral District Society) by the President, or in his absence or on his neglect by the Vice-President, or in the absence or on the neglect of the President and Vice-President, then by any three members of the Association, Council, Society or other body; and at such meeting the election of officers shall take place, and the persons elected shall thenceforth, until their successors are appointed, be and be deemed to be the officers of such Association, Council, Society or body. R. S. O. 1877, c. 35, s. 108.

Special
meetings.

(2) A special meeting of the Directors of any Association, Council or Society organized under this Act may be called by the President thereof, or in his absence or on his neglect by the Vice-President, or in the absence or on the neglect of the President and Vice-President, then by any three members of such body, of which meeting at least seven days' notice shall be given to each member; and, except as otherwise provided for, a majority of the Directors of any such body shall be a quorum.

Majority of
officers to be
residents.

74. The majority of the officers of Electoral District and Township Agricultural Societies and of Horticultural Societies shall be residents of the Electoral District or municipality which such Society represents; but the membership of any such Society may extend to other Electoral Districts or municipalities. R. S. O. 1877, c. 35, s. 109.

Delegates to
furnish certi-
ficates.

75. Every delegate from a Society to any Association or Council of an Association under this Act, whether he be such by virtue of his office or has been appointed thereto by special resolution, shall at the annual (or first) meeting of such Association or Council for that year furnish a certificate, signed by the President and Secretary and sealed with the seal of the Society he professes to represent, shewing that he has been duly appointed a delegate of such Society; and such certificate may be in the form of Schedule E to this Act annexed. R. S. O. 1877, c. 35, s. 110.

Commissioner
to pay grants.

76. The Lieutenant-Governor shall issue his warrant in favour of the Agricultural and other Societies entitled to grants under this Act to the amount of the whole appropriation required, as certified by the Commissioner of Agriculture; and the

the Commissioner shall cause to be paid over to the Electoral District and other Societies the public grants to which they are respectively entitled. R. S. O. 1877, c. 35, s. 111.

77. The Treasurer of every Electoral District Society or other Association organized under this Act before entering upon the duties of his office shall give such security, either by joint or several covenant with one or more sureties which may be in the form given in schedule F to this Act or otherwise, as the Board of Directors or other managing officers may deem necessary for the faithful performance of his duties, and especially for duly accounting for and paying over all moneys which may come into his hands; and it shall be the duty of every such Board in each and every year to inquire into the sufficiency of the security given by such Treasurer and report thereon; and where the same Treasurer for any Society is reappointed from year to year his reappointment shall not be considered as a new term of office, but as a continuation of the former appointment, and any bond or security given to the Society for the faithful performance of his duties shall continue valid as against the parties thereto under such reappointment. Treasurer of a society to give security.

78. The Council or Board of Directors of any Association or Society organized under this Act, on being made aware of any fraud having been committed by any member or exhibitor in the entry of any stock or goods in competition for prizes at any Exhibition, shall have the power of withholding the payment of any prizes that may have been awarded by the judges to such members or exhibitors on such fraudulent or any other entries made at any such Exhibition. R. S. O. 1877, c. 35, s. 104. Frauds at Exhibitions.

79.—(1) Any Electoral District or incorporated Township Society, or the Municipal Council of any County or Township in Ontario, may purchase and hold land for the purpose of establishing a School Farm, to instruct pupils in the science and practice of agriculture; and any such Society and any Municipal Council may purchase and hold such School Farm conjointly or otherwise, and may, conjointly or otherwise, make all necessary rules and regulations for the management thereof; and may sell, mortgage, lease or otherwise dispose of the same. Society may purchase land for school farm.

(2) Not more than two hundred acres of land shall be so held by any such Society or Council, whether conjointly or otherwise. R. S. O. 1877, c. 35, s. 112. Proviso.

80. A member of at least two years standing, where referred to in this Act, shall mean a member who has paid his membership subscription and has been entered as a member on the books of the Society for the two preceding years. Members of two years' standing.

MUNICIPAL AID TO AGRICULTURAL AND OTHER SOCIETIES.

Municipalities may grant land or money in aid of purposes of this Act.

81.—(1) The Municipal Council of any City, Town, Village, County or Township in this Province may grant money or land in aid of the Agriculture and Arts Association, or of any duly organized Agricultural or Horticultural Society coming within the provisions of this Act, being within the limits of the municipality, or within any adjoining municipality; and any such grants heretofore made shall be held to be and to have been legally made. R. S. O. 1877, c. 35, s. 113.

Agreements between municipalities and other societies for the use of buildings, etc.

(2) Any of the said municipalities owning lands or buildings for public purposes shall have power to make agreements on such terms and for such periods as they may deem expedient with any company now formed, or hereafter to be formed, under the provisions of chapter 155 of the Revised Statutes of Ontario, or of any amendment thereto, or with any Agricultural or Horticultural Association, for the use of such lands or buildings, or either of them, or for the privilege of erecting on said lands (subject to such terms as may be agreed on) such buildings as they may require for Agricultural or Industrial shows, and to give said companies the power of renting said grounds and buildings when owned by said company to any Agricultural or Horticultural Association formed under this Act or any amendment thereto, to and for the purposes of the annual show or shows of said Association, and to grant to such company or Association the power to collect during said show, or at other times, as may be agreed from any person wishing to go into or upon any such grounds or buildings, or for any privileges thereon, or for any waggon, carriage or other vehicle, or for any horse or other animal which may be taken thereon, such entrance fee or other charge as the said Company or Association may deem necessary or expedient.

KEEPING THE PEACE AT EXHIBITIONS.

Justices of the Peace may appoint policemen, etc.

82. Any Justice of the Peace having jurisdiction in any City, Town, Village or Township, wherein a Fair or Exhibition may be held shall, on the request of the Council of the Agriculture and Arts Association, or of the President or Executive Committee of any Agricultural or Horticultural Society, appoint as many policemen or constables as may be required at the expense of the said Association or of such Society, said policemen or constables to be named by such Association or Society, whose duty it shall be to protect the property of such Association or Society within the Exhibition grounds, and to eject all persons who may be improperly within the grounds, or who may behave in a disorderly manner, or otherwise violate any of the rules or regulations of such Association or Society. R. S. O. 1877, c. 35, s. 114.

83. If any person wilfully hinders or obstructs the officers or servants of the Agriculture and Arts Association or of any Agricultural or Horticultural Society in the execution of their duty, or gains admission to the said grounds contrary to the rules of such Association or Society, he shall be liable to a fine of not less than \$1 nor more than \$20; such fine to be enforced and collected as fines are usually collected, and to be paid over to such Association or Society for its use and benefit; and in default of payment the said offender shall be imprisoned in the common gaol for a period of not more than thirty days. R. S. O. 1877, c. 35, s. 115.

Penalty for obstructing officers or gaining admission contrary to rules.

84. The officers of any such Association or Society may by their rules and regulations prohibit and prevent all kinds of gambling, theatrical, circus or mountebank performances, exhibitions or shows, and also regulate or prevent the huckstering or trafficking in fruits, goods, wares or merchandise on the Exhibition grounds, or within 300 yards thereof; and any person who, after due notice of such rules and regulations, violates the same shall be liable to be removed by the officers, policemen or constables of said Association or Society, and be subject to the penalty prescribed by the next preceding section. R. S. O. 1877, c. 35, s. 116.

Gambling, etc., to be prevented.

Penalty.

85. Any person who wilfully signs any false pedigree intended for registration in any Herd, Flock or Stud Book, or who presents to the Secretary or other officer having charge of the Register, for the purpose of having the same entered therein, any false or spurious pedigree knowing the same to be false or spurious, shall, upon summary conviction thereof before any Justice of the Peace, be liable to a penalty of not more than \$100 and not less than \$25 for each pedigree so signed or presented by him.

Penalty for false pedigree.

86.—(1) It shall not be lawful to carry on any horse-racing during the days appointed for holding any Exhibition by the Agriculture and Arts Association, or by any Electoral District Society, within five miles of the place of holding the same.

Horse racing prohibited during exhibitions.

(2) Any person who is guilty of a violation of this section shall be liable, upon summary conviction before a Justice of the Peace, to a fine not exceeding \$50, or imprisonment in the common gaol of the County for a period not exceeding thirty days. R. S. O. 1877, c. 35, s. 117.

Penalty.

87. The Revised Statutes of Ontario, chapter 35, being *An Act for the encouragement of Agriculture, Horticulture, Arts and Manufactures*, and all other Acts amending the said Act or declared to be part thereof, or which are inconsistent with the provisions of this Act, are hereby repealed.

R. S. O. c. 35, repealed.

SCHEDULE A.

(Section 20.)

AGRICULTURAL DIVISIONS.

1. Stormont, Dundas, Glengarry, Prescott and Cornwall.
2. Lanark North, Lanark South, Renfrew North, Renfrew South, Carleton, Russell, and the City of Ottawa.
3. Frontenac, City of Kingston, Leeds and Grenville North, Leeds South, Grenville South, and Brockville.
4. Hastings East, Hastings North, Hastings West, Addington, Lennox and Prince Edward.
5. Durham East, Durham West, Northumberland East, Northumberland West, Peterborough East, Peterborough West, Victoria North (including Haliburton), and Victoria South.
6. York East, York North, York West, Ontario North, Ontario South, Peel, Cardwell, and City of Toronto.
7. Wellington Centre, Wellington South, Wellington West, Waterloo North, Waterloo South, Wentworth North, Wentworth South, Dufferin, Halton and City of Hamilton.
8. Lincoln, Niagara, Welland, Haldimand and Monck.
9. Elgin East, Elgin West, Brant North, Brant South, Oxford North, Oxford South, Norfolk North and Norfolk South.
10. Huron East, Huron South, Huron West, Bruce North, Bruce South, Grey East, Grey North and Grey South.
11. Perth North, Perth South, Middlesex East, Middlesex North, Middlesex West and City of London.
12. Essex North, Essex South, Kent East, Kent West, Lambton East and Lambton West.
13. Algoma East, Algoma West, Simcoe East, Simcoe South, Simcoe West, Muskoka and Parry Sound.

R. S. O. 1877, c. 35, Sched. A.

SCHEDULE B.

(Sections 35 and 46.)

DECLARATION OF ASSOCIATION.

We, whose names are subscribed hereto, agree to form ourselves into a Society, under the provisions of *The Agriculture and Arts Act*, to be called the Electoral District (or Township), Agricultural (or Horticultural) Society of the Electoral District (or Township or City or Town or incorporated Village) of _____ ; and we hereby severally agree to pay to the Treasurer

Treasurer the sums opposite our respective names ; and we further agree to conform to the By-laws and Rules of the said Society.

NAMES.	§	CTS.

R. S. O. 1877, c. 35, Sched. B.

SCHEDULE C.

(Section 57.)

AFFIDAVIT AS TO AMOUNT OF LOCAL CONTRIBUTIONS TO DISTRICT SOCIETY.

COUNTY OF _____)
To Wit : _____)

I, A. B. of the (Township) of _____, Treasurer of the Electoral District Agricultural Society of _____, make oath and say that the sum of _____ has been reported to me by the Treasurers of the Township Agricultural Societies and of the Horticultural Societies of the said Electoral District, under oath, as provided for in section 57 of *The Agriculture and Arts Act*, as and for the members' subscriptions for this year; and that the sum of _____ has been paid into my hands, as subscriptions for this year by members of the said Electoral District Society; and that the said sums amount in the whole to the sum of _____; and that the amounts received as subscriptions to the Electoral District Society now remain in my hands or have already been disposed of according to law.

Sworn before me this
day of _____, A. D. 18
C. D.,
Justice of the Peace for the County of

A. B.

R. S. O. 1877, c. 35, Sched. C.

SCHEDULE D.

(Section 58.)

AFFIDAVIT AS TO LOCAL CONTRIBUTIONS TO TOWNSHIP, ETC., SOCIETY.

COUNTY OF _____ }
To Wit : }

I, A. B. of the Township of _____, Treasurer of the Agricultural (or Horticultural) Society of the (Township) of _____, do hereby make oath and say that the sum of _____ has been paid into my hands, as and for the members' subscriptions for this year, in accordance with the list herewith sent to the Treasurer of the Electoral District Society of _____.

(or to the Commissioner of Agriculture and Arts, as the case may be); and that the said sum is now in my hands, or has already been disposed of according to law.

Sworn before me this
day of _____, A.D. 18
C. D.,
Justice of the Peace for the County of _____

A. B.

R. S. O. 1877, c. 35, Sched. D.

SCHEDULE E.

(Section 75.)

CERTIFICATE OF APPOINTMENT OF DELEGATE.

We, the President and Secretary of the Electoral District Agricultural Society (or Horticultural Society, or other Society, as the case may be) of the Electoral District (City or Town or incorporated village) of _____, hereby certify that _____, President, (or other officer, as the case may be) of the said Society, has been duly appointed by the said Society to represent it at the approaching annual (or other) meeting of the Agricultural and Arts (or other) Association of Ontario, at _____, in the County of _____, on the _____ day of _____ next.

Dated this _____ day of _____, A.D. 18.

President.

[L.S.]

Secretary.

R. S. O. 1877, c. 35, Sched. F.

FORM F.

(Section 77.)

Know all men by these presents that we A. B., Treasurer of the _____ Society (or Association) of the _____ of _____ in the County of _____ Esquire and C. D. of the _____ of _____ in the County of _____ Gentleman (if more than one surety is required, insert here the names of the others in like manner) do hereby jointly and severally, for ourselves and for each of our heirs executors and administrators, covenant and promise that the said A. B. as Treasurer of the _____ Society (or Association) shall well and truly account for and pay over to the _____ Society (or Association) or the person or persons entitled to the same, all moneys which he shall receive by virtue of his said office of Treasurer, and that he will faithfully perform the duties of his said office.

Nevertheless it is hereby declared that no greater sum shall be recovered under this covenant against the several parties hereto than as follows: that is to say against the said A. B. in the whole \$ _____ (the amount fixed

fixed by the Board of Directors) against the said C. D. \$ (the amount fixed by the Board of Directors) (if more sureties were required by the Board, here add the names and amounts in like manner.)

In witness whereof we have to these presents set our hands and seals
this day of , A.D. 18.

A. B. (L. S.)

C. D. (L. S.)

Signed, Sealed, and deliv- }
ered in presence of }

E. F.

CHAPTER 12.

An Act to amend the Act Respecting the Courts of Queen's Bench and Common Pleas.

[Assented to 25th March, 1886.]

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. Section 47 of *The Act Respecting the Courts of Queen's Bench, and Common Pleas*, chapter 39 of the Revised Statutes ^{R. S. O. c. 39, s. 47, amended.} is hereby amended by adding thereto the following sub-section:—

(2) Provided, however, that the Deputy Clerk of the Crown and Pleas at Sandwich, may keep an office in some convenient place in the Town of Windsor, in the County of Essex, subject to such arrangements as the County Council of the County of Essex may assent to, and subject also to the approval thereof by the Lieutenant-Governor in Council.

CHAP ER 13.

An Act to amend the County Courts Act.

[Assented to 25th March, 1886.]

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. Section 6 of *The County Courts Act*, chapter 43 of the Revised Statutes, is hereby amended by adding thereto the following sub-section: ^{R. S. O. c. 43, s. 6, amended.} (2)

(2) Provided, however, that the Clerk of the County Court, of the County of Essex, may keep an office in some convenient place in the Town of Windsor in the County of Essex, subject to such arrangements as the County Council of the County of Essex may assent to, and subject also to the approval thereof by the Lieutenant-Governor in Council.

CHAPTER 14.

An Act to amend the Surrogate Courts Act.

[Assented to 25th March, 1886.]

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

R. S. O. c. 46,
s. 11,
amended.

1. Section 11 of *The Surrogate Courts Act*, chapter 46, of the Revised Statutes, is hereby amended by adding thereto the following sub-section:

(2) Provided, however, that the Registrar of the Surrogate Court of the County of Essex, may keep an office in some convenient place in the Town of Windsor, in the County of Essex, subject to such arrangements as the County Council of the County of Essex may assent to, and subject also to the approval thereof by the Lieutenant-Governor in Council.

CHAPTER 15.

An Act to amend the Division Courts Act.

[Assented to 25th March, 1886.]

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

R. S. O. c. 47,
s. 11, repealed.

1. Section 11 of *The Division Courts Act* is hereby repealed, and the following substituted therefor:

Alteration of
number and
limits of
divisions.

11.—(1) The County Judge, the Sheriff, the Warden of the County, and the Division Court Inspector may, subject to the restrictions in this Act contained, appoint, and from time to time alter the number, limits and extent of every division, and shall number the divisions, beginning at number one, but no resolution or order made under the provisions of this section shall be altered or rescinded, unless public notice of the intention so
to

to alter or rescind, or that application will be made to alter or rescind is made and proclaimed in open Court at the next previous sittings of the General Sessions of the Peace.

(2) The Judge shall cause the Sheriff, Warden and Inspector to be notified of any application, and of the time and place at which the same will be considered.

2. Section 13 of the said Act is amended by striking out the words "Justices of the Peace of the Junior County in General Sessions assembled" where they occur, and inserting instead thereof the words "the Judge of the County, the Sheriff, the Warden of the County, and the Inspector of Division Courts." R. S. O. c. 47, s. 13, amended

3. Section 14 of the said Act is amended by striking out the words "Justices of the Peace of any County in General Sessions assembled" where they occur, and inserting instead thereof the words "Judge of the County; the Sheriff, the Warden of the County, and the Inspector of Division Courts." R. S. O. c. 47, s. 14 amended.

4. Section 17, and sub-sections 2 and 3 of said Act are hereby repealed, and the following substituted therefor: R. S. O. c. 47, s. 17, repealed.

17. The Judge of the County, the Sheriff, the Warden of the County, and the Inspector of Division Courts, at a meeting to be called for the purpose, or at any adjourned meeting, shall, within three months after the issue of any proclamation for separating a Junior from a Senior County, appoint the number, (not less than three, nor more than twelve) the limits and extent of the several Divisions within such County, and the time when such change of Divisions shall take place, and no resolution or order made under the provisions of this section shall be altered or rescinded, unless public notice of the intention so to alter or rescind is made and proclaimed in open Court at the next previous sittings of the General Sessions of the Peace. Regulation of limits on separation of a county.

5. Section 37 of the said Act is hereby amended by adding after the word "summons," and before the word "orders," in the first line thereof, the words "all notices filed by any party to the action." R. S. O. c. 47, s. 37, amended.

6. Section 54 of the said Act is amended by adding the following sub-section thereto; R. S. O. c. 47, s. 54, amended.

(4) Claims combining;

(a) A cause or causes of action in respect of which the jurisdiction of the Division Courts, is by the foregoing sub-sections of this section, limited to \$60, which causes of action are hereinafter designated as class (a) and

(b)

(b) A cause or causes of action in respect of which the jurisdiction of the said Courts, is by the said sub-sections limited to \$100, which causes of action are hereinafter designated as class (b)

may be tried and disposed of in one action, and the said Courts shall have jurisdiction so to try the same: provided, firstly, that the whole amount claimed in any such action in respect of class (a), shall not exceed \$60; and that the whole amount claimed in any such action in respect of classes (a) and (b) combined, or in respect of class (b) where no claim is made in respect of class (a), shall not exceed \$100.

(5) The finding of the Court upon the claims when so joined as aforesaid shall be separate.

R. S. O. c. 47, s. 68, amended. **7.** Section 68 of the said Act is hereby amended by adding the following sub-section thereto:

In any action brought to recover a sum of money due on any promissory note or notes, such note or notes shall be filed with the clerk before judgment, unless otherwise ordered, or unless the loss of the note be shewn, or that it cannot for some other satisfactory reason be produced.

R. S. O. c. 47, s. 74, amended. **8.** Section 74 of the said Act, is hereby amended by adding immediately after the word "brought" in the second line thereof, the words "or when the Bailiff has been suspended by order of the Judge."

R. S. O. c. 47, s. 95, amended. **9.** Section 95 of the said Act is hereby amended by striking out the word "county" in the fourth line thereof, and substituting the word "province" therefor.

R. S. O. c. 47, s. 98, repealed. **10.** Section 98 of the said Act is hereby repealed, and the following is substituted therefor:

Expenses to be paid witness out of county. **98.** Any person served with any such subpoena, who is resident in Ontario, but out of the county in which such Division Court is situate, shall be entitled to be paid witness fees and mileage according to the County Court tariff.

Memorandum on garnishee summons. **11.** In all cases under the provisions of sections 130 and 133 of the said Act where the debt sought to be garnished is for wages or salary, there shall be upon, or annexed to the summons served on the garnishee, a memorandum shewing the residence of the primary debtor and the nature of his occupation in the service of the said garnishee at the time of the issuing of the said summons (if then in such service), and also stating whether the debt alleged or adjudged to be due by the primary debtor to the primary creditor was or was not incurred for board or lodging, and in the absence of such last mentioned statement the said debt may be presumed by the garnishee not to have been incurred for board or lodging.

12. Sub-section 2 of section 136 of the said Act is hereby repealed, and the following substituted therefor :

R. S. O. c. 47,
s. 36, sub-s.
2, repealed.

(2) Any primary debtor or garnishee who desires to set up any statutory or other defence or any set-off or to admit his liability in whole or in part for the amount claimed in any such action shall file with the Clerk the particulars of such defence or set-off, or an admission of the amount due or owing by the primary debtor or the garnishee, as the case may be, within eight days after service on him of the summons, and the Clerk shall forthwith send by mail to each of the said parties to the action a copy of such defence, set-off or admission, and the primary creditor may file with the Clerk a notice that he admits the defence or set-off or accepts the admission of liability as correct ; a copy of such notice shall be sent by the clerk by mail, forthwith to such garnishee, and in the absence of any notice of defence or set-off, from any primary debtor or garnishee, the judge may, in his discretion, give judgment against such primary debtor or garnishee ; and in the event of the primary creditor failing to file a notice admitting or rejecting such defence, set-off or admission of liability, the garnishee shall not be bound to attend at the trial, and the sum admitted to be due or owing by the garnishee, shall be taken to be the correct amount of his liability unless the judge shall otherwise order, in which latter case the garnishee shall be notified by the clerk and shall have an opportunity of attending at a subsequent date and being heard before judgment is given against him.

Defences in
garnishee
proceedings.

(3) The costs of all notices required to be given under this section, shall be costs in the cause, and in no case shall be payable by the garnishee, unless specially ordered by the judge.

Costs.

13. Section 147 of the said Act is hereby amended by adding thereto the following :

R. S. O. c. 47,
s. 147,
amended.

“ Or the parties to any action, may by writing, signed by themselves or their agents, agree to refer the matters in dispute to the arbitrament of any person or persons named in such agreement, which shall be filed with the clerk, and be entered on the Procedure Book as notices are entered.”

Referring
action to
arbitration.

14. Section 199 of the said Act, is hereby repealed and the following substituted therefor :

R. S. O. c. 47,
s. 199,
repealed.

199. All the property seized under the provisions of the previous sections, shall be, and remain in the custody and possession of the bailiff to whom the warrant of attachment is issued, and he shall take and keep the same until disposed of by law, and he shall be allowed all necessary disbursements and expenses for keeping the same.

Custody of
goods seized
under attach-
ment.

(2) Where the property is seized under the provisions of the preceding sections by any county constable, it shall be forthwith

forthwith

forthwith handed over to the custody and possession of the bailiff of the court out of which the warrant of attachment issued, or into which it was made returnable; and such bailiff shall take the same into his charge and keeping, and shall be allowed all necessary disbursements for keeping the same.

R. S. O. c. 47,
ss. 204, 205,
amended.

15. Sections 204 and 205 of the said Act are hereby amended by striking out the word "clerk" where it occurs in each of said sections, and the word "bailiff" shall be substituted therefor.

R. S. O. c. 47,
s. 206,
repealed.

16. Section 206 of the said Act is hereby repealed, and the following is substituted therefor:

Disposition
of moneys
realized on
goods seized.

206. The moneys so made shall be by the bailiff paid over to the clerk, and the residue, if any, after satisfying such judgments as aforesaid, with the costs thereupon, shall be delivered to the defendant or his agent, or to any person in whose custody the goods were found; and the responsibility of the clerk in respect of such property shall cease.

R. S. O. c. 47,
s. 210,
amended.

17. Section 210 of the said Act, is hereby amended by adding the following sub-section thereto:

(4) In case the bailiff has more than one execution or attachment at the suit or instance of different persons against the same property claimed as aforesaid, it shall not be necessary for the bailiff to make a separate application on each execution or attachment; but he may use the names of such execution or attaching creditors collectively in such application, and the summons may issue in the name of said creditors as plaintiffs.

Examination
of witnesses
whose at-
tendance at
trial cannot be
obtained.

18. In case it be made to appear to the Judge that a material and necessary witness residing within the Province is sick, aged, or infirm, or that he is about to leave the Province, and that his attendance at Court as a witness cannot by reason thereof be procured, the Judge may make an order appointing a suitable person to take the evidence of said person. A copy of the order, with two days' notice of the time, and place of the examination shall be served upon the opposite party, his solicitor or agent, who may appear, and cross examine the witness. The evidence shall be taken on oath, and shall be reduced to writing, and signed by the witness, and shall be transmitted to the Clerk of the Court, and shall be by him kept on file, and may be used upon the trial saving all just exceptions. The costs of the order shall be in the discretion of the Judge, and the reasonable charge of the examiner (to be fixed by the Judge) shall, in the first instance be paid by the party obtaining the order, as in the case of witness fees, and shall thereafter be paid as the Judge may order.

Examination
of witness re-

19.—(1) An order may also be obtained for the examination
of

of a witness who resides in a remote part of the Province, and at a great distance from the place of trial, if it be clearly made to appear that his attendance cannot be procured, or that the expense of his attendance would be out of proportion to the amount involved in the action, or would be so great that the party desiring his attendance should not, under the circumstances, be required to incur the same; and the proceedings thereon, and the order as to costs, shall be the same as in the case of an order in the next preceding section mentioned.

(2) The person appointed under this and the next preceding section shall have authority to administer an oath to the person to be examined.

20. Any defendant who has filed a notice of defence in any action may, by notice in writing to the Clerk, at least six days before the sittings at which the same may be tried, withdraw such defence, and consent that judgment be entered against him for any amount, and the clerk shall immediately notify the plaintiff thereof by mail, and thereupon the plaintiff shall be entitled to have judgment entered by the Clerk as by default for such amount, and the costs necessarily incurred.

21. The following provisions shall apply to and in respect of any action brought in a Division Court;

1 The Judge may, at any time after action commenced, upon the application of either party, and upon such terms as may appear to him to be just, order that the name of any party who ought to have been joined in the action as a defendant shall be added as a party defendant.

2 If it shall appear to the judge, either before or at the trial of any action, that any party ought to be added as a party defendant in order that the Court may settle all rights and questions involved in the action, the Judge may order such person to be added accordingly.

3 Every person whose name is so added as a defendant shall be served with a copy of the writ of summons, the original summons being first properly amended, and the proceedings against any such added defendant shall be deemed to have been commenced from the date of the order making him a party defendant; but if the application to add a defendant be made at the trial, the Judge may make the order in a summary manner, and may dispense with the service of a copy of the summons upon such defendant, if such defendant or his solicitor consent thereto upon such terms as to costs or an adjournment of the trial, as to the Judge shall appear just.

4 Any two or more persons claiming, or being liable as co-partners may sue, or be sued in the name of the respective firms, if any; where partners are sued in the name of their firm, the summons may be served on one or more of the partners

ners and subject to the provisions in the next two sections contained, such service shall be deemed good service upon the firm; but the affidavit of the service of the summons shall state the name of the partner served. Any party may, at any time before or after judgment, apply to the Judge for an order directing a statement to be furnished of the names of all the persons who are co-partners in any firm which is a party to the action by the firm named.

Execution
against
partners.

5 Where a judgment is against partners in the name of the firm, execution may issue in the manner following:—

- (a) Against any goods of the partners.
- (b) Against the goods of any person who has admitted in the notice of dispute or defence filed that he is or who has been adjudged a partner.
- (c) Against any person who has been served as a partner with a copy of the summons and who has failed to appear.

Adding
partners as
defendants.

6 Upon the trial of an action against a firm, if the plaintiff is desirous of obtaining a judgment against the individual partners, other than the one served with a copy of the summons, and in addition to his judgment against the firm, he may procure the addition of the remaining partners as defendants under sub-sections 1 and 3 of this section, and thereafter proceed to judgment against them in the action as in other cases.

Act to be read
with R. S. O.
c. 47.

22. This Act shall be read and construed as part of *The Division Courts Act*, and of any Acts amending the same.

Short title.

23. This Act may be cited as "*The Division Courts Amendment Act, 1886.*"

CHAPTER 16.

An Act for further improving the Law.

[Assented to 25th March, 1886.]

Preamble.

WHEREAS in view of a new consolidation of the Statute Law of this Province, now in preparation, it is expedient to amend by this Act some of the existing Statutes as herein-after mentioned;

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

Short title.

1. This Act may be cited as "*The Statute Amendment Act, 1886.*"

2. (Subject to the provisions of sub-section 2, of section 3 of the Revised Statute *Respecting County Judges and Local Courts*) so much of the Act passed by the Legislature of Ontario in the 32nd year of Her Majesty's reign, chaptered 22, as repeals section 2 of chapter 15, of the *Consolidated Statutes of Upper Canada*, and so much of any other Act as repeals or purports to repeal said section 2, is hereby repealed.

3. *The Interpretation Act* is amended by adding the following section :

(8a) The Interpretation section of *The Judicature Act* shall, so far as the terms defined can be applied, extend to all enactments relating to legal matters.

4. Section 7 of the *Revised Act respecting the Territorial Division of Ontario*, is amended by cancelling the word "and" after the word "Clair," and inserting after the word "Huron" the following words: "the River St. Mary's and Lake Superior."

5. Sub-section 1 of Section 2 of *The Voters' Lists Act* as amended by *The Voters' Lists Amendment Act, 1885*, is hereby further amended by omitting therefrom the words "first revision" and inserting instead thereof the words "final revision."

6. Section 35 of *The Controverted Elections Act* is amended by striking out all the words of said section after the word "cause" in the third line, and substituting therefor the following "The Court of Appeal, where he is a member of that Court, or the Division of the High Court of which he is a member, as the case may be, shall fill up the vacancy by placing on the *rota* another Judge of the Court or Division aforesaid."

7. The following sub-sections are hereby added to section 9 of the *Revised Act Respecting Public Officers*.

(2) Where a Deputy is appointed by any person holding an office which is subject to the authority of this Legislature, any security required by law and hereafter given by such person, shall be construed to extend to and include the acts of the Deputy, whether appointed before or subsequent to the giving of the security. The liability of the sureties, and of the officer appointing the Deputy, shall be the same as regards the performance of the duties of the office by the Deputy, as in regard to the performance thereof by the person holding the office wherein the Deputy is appointed; and such liability shall extend to and cover all acts of the Deputy while he continues to perform the duties of the office, and whether before or after the death or resignation of the person appointing

ing him, subject to the same rights of withdrawal by the sureties from liability, as may from time to time exist in regard to the security given by public officers.

(3) The Lieutenant-Governor in Council may, notwithstanding the above provision, require any such Deputy to furnish new security on the death or resignation of the person holding the office wherein he is Deputy, and such security shall be for the like amount, and subject to the same conditions, as that required by law for the due performance of the duties of the officer whom the Deputy represents.

R. S. O.
c. 40, s. 85,
amended.

8. Section 85 of *The Chancery Act*, is amended by adding to the said section the following sub-sections:

(2) The examination of a married woman apart from her husband, as to her knowledge of the nature and effect of an application for the sale or leasing of any settled estate, or as to her consent thereto, shall in no case be necessary unless expressly directed by the court or a judge.

(3) Infants and persons of unsound mind (not so found), required to be served with notice of any application to the High Court of Justice, may be served by delivering to the official guardian *ad litem* a copy of the petition or other proceeding required to be served; and from the time of such service, the said official guardian shall be the guardian *ad litem* of the infant or person of unsound mind, unless and until the court or judge, otherwise orders; and the said official guardian, or any other guardian appointed by the court for the infant or person of unsound mind, shall take all such proceedings as he may think necessary for the protection of the interests of the infant or person of unsound mind in the proceeding in which he is so appointed guardian.

(4) In case there be more than one infant or person of unsound mind (not so found) for whom service is made on the official guardian *ad litem*, one copy only of the petition or other proceeding, need be so served, but the name of each person on whose behalf the official guardian is served, is to be stated on the copy served.

(5) Money realized from the sale or leasing of any settled estate or any interest therein, shall be paid, applied or invested, as the court or a judge shall direct.

Special examiners of High Court be officers of county courts.

9. *The County Courts Act* is amended by inserting therein the following clause:

(9a) All special examiners of the High Court of Justice heretofore or hereafter appointed, shall be officers of the several county courts of the Province and shall possess like powers in county court cases, as those now possessed and exercised by them in cases in the High Court of Justice.

10. Section 11 of *The General Sessions Act* is amended by R. S. O. c. 44,
inserting the following sub-section: s.11 amended.

(2b) Where a person holding the office of County Crown Attorney and Clerk of the Peace desires, from the condition of his health or from his age, to resign the office of County Crown Attorney, retaining the office of Clerk of the Peace, he may do so if the Lieutenant-Governor thinks fit to accept his resignation; and in such case the County Crown Attorney appointed in his place shall, on a vacancy occurring in the office of the Clerk of the Peace be *ex-officio* Clerk of the Peace for the county, as in other cases.

11. Section 8 of *The Surrogate Courts Act* is amended by R. S. O. c. 46,
striking out the words "and shall be paid a fixed salary not s. 8, amended.
exceeding \$1,600 yearly."

12. Section 17 of *The Administration of Justice Act* is Examination
amended by adding thereto the following sub-sections: of certain per-
sons as to a
debtor's
means.

(2) Where judgment has been obtained as aforesaid, the Court or a Judge may, on the application of the party entitled to enforce the judgment, order any clerk or employee or former clerk or employee of the judgment debtor, or any person to whom the debtor has made a transfer of his property or effects since the date when the liability or debt which was the subject of the action in which judgment was obtained was incurred, to attend at the county town of the county in which such person resides, before a Master, or an Official Referee or Examiner, or a Local Master, a Deputy Registrar of the High Court or a Deputy Clerk of the Crown, or before the Judge of the County Court of the county, and to submit to be examined upon oath as to the estate and effects of the debtor, and as to the property and means he had when the debt or liability aforesaid was incurred, and as to the property or means he still has of discharging the judgment, and as to the disposal he has made of any property since contracting the debt or incurring the liability, and as to any and what debts are owing to him. The examination is to be for the purpose of discovery only, and no order is to be made on the evidence given on such examination.

(3) Any person liable to be examined under this section may be compelled to attend, testify, and to produce books and documents, in the same manner and subject to the same rules of examination and the same consequences of neglecting to attend or refusing to disclose the matters in respect of which he may be examined, as in the case of a witness.

13. The *Revised Act respecting Interpleading*, is amended R. S. O. c. 54,
as follows: ss. 12, 18 and
22 amended.

1. Section 12 is amended by striking out the words "or
"two"

two" in the second line thereof, and substituting therefor the words "and one;" and by adding after the word "Courts" in the third line the words "or including the High Court of Justice, and one or more Division Courts."

2. Section 18 is amended by adding thereto the words "in the event of the issue being decided against the claimant, and only to the extent to which such issue shall be so decided."

3. Section 22 is amended by adding after the word "Court," where it first appears in the ninth line thereof, the words "notwithstanding that there are writs from two or more County Courts against the same goods, and whether at the suit or instance of the same plaintiff, or of different plaintiffs."

Recovery by
Crown of real
estate of
persons dying
intestate and
without heirs.

14. The *Revised Act respecting the Administration by the Crown of the Estates of Intestates in certain cases*, is amended by inserting therein the following section:—

7a.—(1) Where any person dies in possession of, or entitled to real estate in Ontario, intestate as to such real estate, without any known heirs, the Attorney-General may apply to the High Court for an order for the making of such inquiries as may be necessary to determine whether or not Her Majesty is entitled to any portion of the real estate of the deceased on account of his dying intestate, and without heirs; and any judgment or order given upon such inquiry shall, unless reversed on appeal, be final and conclusive.

(2) Where the Attorney-General is entitled to apply under the preceding sub-section, he may bring an action, either in his own name, on behalf of Her Majesty, or in the name of Her Majesty, to recover possession of the real estate of the deceased and shall be entitled to judgment and process to recover possession, unless the person claiming adversely shews that the deceased did not die intestate, as to such real estate, or that he left heirs, or that some other person is entitled to the said real estate.

R. S. O. c. 61,
s. 7, repealed.

15. Section 7 of the *Act respecting the Limitations of Certain Actions* is repealed.

Privilege in
case of official
documents.

16. The *Evidence Act* is hereby amended by inserting the following section:

1a. Where documents in the official possession, custody or power of a member of the Executive Council, or the Head of a Department of the Public Service of this Province, if the Deputy head or other officer of the Department has such documents in his personal possession, and is called as a witness, he shall be entitled, acting herein by the direction and on behalf of such member of the Executive Council or Head of the Department, to object to produce the documents on the ground that

that they are privileged; and such objection may be taken by him in the same manner, and shall have the same effect, as if such member of the Executive Council or Head of the Department were personally present and made the objection.

17. Section 48 of the *Act respecting Writs of Execution*, R. S. O. c. 66, is amended by striking out the words "the Clerk or Deputy-Clerk of the Crown," and inserting "proper taxing officer in the county." s. 48, amended.

18. Section 22 of *The Revised Act respecting the Qualification and Appointment of Justices of the Peace* is amended, by inserting after the word "Judge" the words "or to any Police Magistrate"; and the said section, and the corresponding sections in the statutes of the late Province of Canada, shall be read, with respect to Police Magistrates heretofore appointed and Police Magistrates hereafter appointed, as if the said sections at the times of the passing thereof respectively had included the said words in manner aforesaid. R. S. O. c. 71, s. 22, amended.

19. The said Act is further amended by adding thereto the following section: Police magistrates not to act for offenders or criminals.

23. No Police Magistrate, and no partner or clerk of any Police Magistrate, shall act as agent, solicitor or counsel in any cause, matter, prosecution, or proceeding of a criminal nature; nor shall such Police Magistrate, partner or clerk act as aforesaid in any case which by law may be investigated or tried before a Magistrate or Justice of the Peace.

20. *The Revised Act respecting Summary Convictions before Justices of the Peace* is amended by adding to section 1 the following sub-sections: Magistrates may order defendants to pay costs.

(3) In all cases of summary conviction, or of orders made by a Justice of the Peace, Police Magistrate, or Stipendiary Magistrate under this Act, the Justice, Police Magistrate or Stipendiary Magistrate may, in his discretion, award and order, in and by the conviction or order, that the defendant shall pay to the prosecutor or complainant, such costs as to the said Justice, Police Magistrate or Stipendiary Magistrate seems reasonable in that behalf, the same not being inconsistent with the fees established by law to be taken on proceedings had by and before Justices of the Peace.

(4) In cases where the Justice or Police Magistrate or Stipendiary Magistrate, instead of convicting or making any order, dismisses the information or complaint, he may, in his discretion, in and by the order of dismissal, award and order that the prosecutor or complainant shall pay to the defendant such costs as to the said Justice, or Police Magistrate or Stipendiary Magistrate, seems reasonable and are consistent with the law.

(5)

(5) The sums so allowed for costs shall be specified in the conviction or order, and shall be recoverable in the same manner and under the same warrants as a penalty adjudged to be paid by conviction or order is recovered.

(6) Where there is no penalty to be recovered, such costs shall be recoverable only by distress and sale of the goods and chattels of the party.

R. S. O. c. 76.
s. 7, repealed.

21. Section 7 of the *Act respecting Returns of Convictions and Fines by Justices of the Peace* is repealed and the following is substituted therefor :—

Copy of
returns to be
sent to inspec-
tor of legal
offices.

7. The Clerk of the Peace of each county, within twenty days after the end of each General Sessions of the Peace, shall transmit to the Inspector of Legal offices, at Toronto, a true copy of all such returns made within his county, and also a return of all cases brought before, or tried at, the said General Sessions of the Peace, or at the County Judge's Criminal Court up to the date of such return, such last mentioned return to be in similar form to the return set out in section 1 of this Act.

Parties may
agree not to
appeal from
Stipendiary
Magistrates.

22. *The Revised Act respecting the Administration of Justice in Unorganized Tracts* is amended by inserting the following section after section 25 of said Act :

25a. No appeal shall lie to the Court of Appeal if, before the Court opens, or if (without the intervention of the Stipendiary Magistrate), before the commencement of the trial, there shall be filed with the Clerk an agreement in writing not to appeal, signed by both parties, or by their Attorneys or Agents. The Stipendiary Magistrate shall note in his minutes whether such agreement was filed or not; and the minutes shall be evidence upon that point.

Liability for
torts after
death of one
of the parties.

23. Sections 8 and 9 of *The Revised Statute respecting Trustees and Executors and the Administration of Estates* are repealed, as regards torts, injuries and wrongs hereafter committed, and the following are substituted in respect of the said matters :

8. The executors or administrators of any deceased person may maintain an action for all torts or injuries to the person or to the real or personal estate of the deceased, except in cases of libel and slander, in the same manner, and with the same rights and remedies as the deceased would, if living, have been entitled to do; and the damages when recovered shall form part of the personal estate of the deceased; but such action shall be brought within one year after his decease.

9. In case any deceased person committed a wrong to another in respect of his person, or of his real or personal property, the person so wronged may maintain an action against the
executors

executors or administrators of the person who committed the wrong. This section does not apply to libel or slander.

9a. In estimating the damages in any action under either of the preceding two sections, the benefit, gain, profit or advantage which, in consequence of or resulting from the wrong committed, may have accrued to the estate of the person who committed the wrong, shall be taken into consideration, and shall form part, or may constitute the whole, of the damages to be recovered, and whether or not any property, or the proceeds or value of property, belonging to the person bringing the action or to his estate, has or have been appropriated by or added to the estate or moneys of the person who committed the wrong.

24. Section 28 of the said Act is amended by inserting after the word "Province," the following words: "or in securities which are a first charge on land held in fee simple, provided that such investments are in other respects reasonable and proper." This section shall be construed as declaratory of what has always been the law of this Province. Trustees authorized to Invest on mortgage.

25.—(1) All corporations having money in their hands which it is their duty, or is in their discretion, to invest, may invest the same, if they see fit, in securities, which are a first charge on land held in fee simple: provided that such investments are in other respects reasonable and proper. This section applies, whether such investments are or are not authorized by any Statutes now in force which apply to such corporations. All existing investments so made by corporate bodies are hereby declared to be as valid as if made after the passing of this Act. Investments by corporations.

(2) This section does not apply to investments by municipal corporations, which, notwithstanding anything in this Act, shall continue to be regulated by section 8 of *The Municipal Amendment Act, 1881*.

26. Section 25 of *The Registry Act* is amended by adding after the word "town," wherever the same appears, the words, "town plot laid out by the Crown." R. S. O. c. 111, s. 25, amended.

27. Section 27 of the said Act is amended, by adding after the word "City" in the second line the following: "or the Stipendiary Magistrate of the District." R. S. O. c. 111, s. 27, amended.

28. Section 28 of the said Act is amended by adding the words "town plot laid out by the Crown," after the word "town" in the first line, and by striking out all after the word "office" in the nineteenth line, and adding in lieu thereof the following:

1. Such first mentioned registrar shall also deliver an abstract index book of all titles to lands within each of such detached

detached localities, registered before separate registry books were kept for each township or place; and also a proper registry book containing full and complete copies of all memorials and other registered documents affecting such lands, which, by reason of their relating to two or more localities, cannot be delivered, such copies being entered in the book in the same order and relation in which they were originally inserted; and there being inserted on the margin of the book opposite to each memorial or instrument, the number thereof and the particular time at which the memorial or instrument was originally recorded as indorsed on the back thereof by the registrar or his deputy, at the time of the original registration thereof. The book shall be accompanied by an alphabetical index of names; he shall also deliver as aforesaid a proper registry book containing a copy of all wills and other instruments registered in any general registry book in which the names of any of the parties thereto have been entered in the alphabetical index, kept for the locality so being detached; and shall also deliver a true copy of the alphabetical index attached to any general registry book; he shall also carefully compare all of such entries with the original entries in the registry books in his office and endorse a certificate to that effect in each book before delivering the same.

2. The registrar receiving such books, and his successors shall keep the same among the registry books of his office, and deal with them in all respects in like manner, as those originally supplied to and kept therein.

R. S. O. c. 111,
s. 31, repealed.

29. Section 31 of the said Act is repealed.

R. S. O. c.
111, s. 85,
amended.

30. Section 85 of the said Act as amended by section 2 of the Act passed in the 48th year of Her Majesty's reign entitled *An Act to further amend the Registry Act* is amended by inserting the word "City" before the word "Town" wherever the word town occurs in said section.

R. S. O. c. 135,
s. 8, amended.

31. Section 8 of the *Act Respecting Apprentices and Minors* is amended by adding thereto the following sub-section:

2. In the case of a minor, if a male under the age of fourteen years, or if a female under the age of twelve years, who has been deserted by his or her parents or guardian, or whose parents or guardian have been for the time committed to a common gaol or house of correction, or who is dependent upon public charity for support, the consent of such minor shall not be necessary for the purposes of this section.

Discretion as
to signing
notice for
increase of
capital of joint
stock com-
panies.

32. *The Ontario Joint Stock Companies Letters Patent Act* is amended by inserting the following section:—

17a. With regard to the increase of the capital stock of any Company incorporated under the Act authorizing the granting of charters of incorporation to manufacturing, mining and other companies,

companies, passed in the 27th and 28th year of the reign of Her Majesty, chaptered 23, the incorporation of which is subject to the control of the Legislature of Ontario, the Provincial Secretary, or such other officer as may be named for the purpose, is not bound to sign the notice mentioned in sub-section 18 of section 5 of said Act, and is to exercise his discretion in respect of the same, in view of all the facts, and subject to the direction of the Lieutenant-Governor in Council. This section is to be construed as declaratory of the intent, meaning and effect of the said sub-section ever since the passing thereof, except as respects any case which is now the subject of litigation, and any such case so now in litigation shall be determined as if the present enactment had not been passed: Provided always, that in respect to any case now pending, such notice may be signed and published at any time within two months after the final decision shall be arrived at therein, though that may be after the expiration of six months from the filing of the copy of the by-law for increasing the capital stock.

33. Section 10 of *The Act Respecting Co-operative Associations* is amended by inserting after the word "transferable" the following words: "unless the rules provide for their transfer;" and by cancelling the word "but" in the sixth line of the same section. R. S. O.
c. 158, s. 10,
amended.

34. The sections of *The Public Service Act, 1878*, numbered 35, 36, and 37, are repealed. 41 V. c. 2,
ss. 35-37,
repealed.

35. *The Creditors' Relief Act, 1880*, is amended, by cancelling the word "as" in the 12th line of section 5, and by adding to section 10 the following words: "And after payment in full of the taxed costs and the costs of the execution to the creditor at whose instance and under whose execution the seizure and levy were made." 43 V. c. 10,
ss. 5 and 10
amended.

36. *The Creditors' Relief Act, 1880*, is amended by adding to section 7 the following. 43 V. c. 10, s.
7 amended.

(35) If either before or after the receipt by the sheriff of an execution against the goods or lands of a debtor, a writ of attachment under the Act respecting absconding debtors is placed in the hands of the sheriff before he distributes the estate of the debtor, the sheriff shall realize the estate of the debtor, as provided by *The Absconding Debtors' Act*, but the same when so realized shall be distributed under the provisions of this Act.

37. The said Act is further amended by inserting therein the following section: Fund in Court
to be paid to
sheriff.

8a. Where there is in any Court a fund belonging to an execution debtor, or to which he is entitled, the same, or a sufficient

sufficient part thereof to meet the claims in the sheriff's hands, may, on the application of the sheriff or any party interested, be paid over to the sheriff, and the same shall be deemed to be money levied under execution within the meaning of this Act.

44 V. c. 5, s. 16
amended.

38. Section 16 of *The Ontario Judicature Act, 1881*, is amended by the insertion therein of the following at the end of the 1st sub-section of the said 16th section :

Jurisdiction
as to validity
of Provincial
Statute.

(a) The High Court shall have jurisdiction to entertain an action at the instance of either the Attorney-General for the Dominion, or the Attorney-General of this Province for a declaration as to the validity of any statute, or any provision in any statute, of this Legislature, though no further relief should be prayed or sought ; and the action shall be deemed sufficiently constituted if the two officers aforesaid are parties thereto. A judgment in the action shall be appealable like other judgments of the said Court.

Relief against
penalties, etc.

(b) (Subject to appeal as in other cases,) the High Court shall have power to relieve against all penalties, forfeitures and agreements for liquidated damages, and in granting such relief to impose such terms as to costs, expenses, damages, compensation and all other matters as the Court thinks fit. The County Courts and Division Courts shall have like power (subject to appeal) in regard to causes of action within their jurisdiction.

Appointment
under power.

(c) No appointment, which after the passing of this Act is made in exercise of a power to appoint any property real or personal amongst several objects, shall be adjudged to be invalid on the ground that any object of such power has been altogether excluded, and an appointment shall be valid and effectual notwithstanding that one or more of the objects shall not thereby or in default of appointment take a share or shares of the property which is subject to the power.

But nothing in this sub-section shall prejudice or affect any provision in any deed, will, or other instrument creating a power, which shall declare the amount or the share or shares from which no object of the power shall be excluded, or shall declare some one or more object or objects of the power who shall not be excluded.

44 V. c. 5, s.
36, amended.

39. Section 36 of the said Act is amended by striking out the words : "except orders made in the exercise of such discretion as by law belongs to him."

44 V. c. 5, s.
70, amended.

40. Section 70 of the said Act is amended by adding thereto the following words :

"And such other offices connected with the administration of Justice as the Lieutenant-Governor in Council may from time to time direct."

41. The said Act is further amended by inserting the following:

73a.—(1) The stenographic writers heretofore appointed, or ^{Stenographic writers.} who shall hereafter be appointed by the Lieutenant-Governor to report trials at sittings of the High Court, or of a County Court, shall be officers of the Court to which they are appointed, and shall hold office during the pleasure of the Lieutenant-Governor, and shall perform such other duties as may be assigned to them by rule of Court, or order of the Lieutenant-Governor in Council.

(2) Every such reporter shall take the following oath before one of the Judges of the Court to which he is appointed, and the same shall be filed :

I (A. B.) do solemnly and sincerely promise and swear that I will faithfully report the evidence and proceedings at the trial in each case in which it may be my duty to act as shorthand reporter. So help me God.

42. Section 1 of *The Act respecting Interpleader*, passed in 44 V. c. 7, s. 1, the 44th year of the reign of Her Majesty, chaptered 7, is ^{amended.} amended by striking out the words "one of the Superior Courts of law," and inserting the following: "the High Court, or under executions or attachments in the sheriff's or other officer's hands, issued out of different County Courts, or out of one or more County Courts, and one or more Division Courts;" and by adding to the said section 1 the following sub-section:

(a) The Judge making the order shall have the like powers as are provided in section 13 of *The revised Act respecting Interpleading* with regard to proceedings therein mentioned.

43. Section 2 of the *Act to Regulate the Fees of Certain* 44 V. c. 8, s. 2, *Officers and others*, is amended by striking out the words ^{amended.} "except the County of York."

44. The Act intituled *An Act to Promote the Detection of* ^{Advances to constables in the case of special services.} *Crime* is amended by inserting the following after section 1 of the said Act;

(2) Where the Warden and County Attorney aforesaid deem necessary or expedient, they may direct the Treasurer of the County to advance to the constable or other person, such sum or sums from time to time as they may name, for the purpose of paying the reasonable and necessary expenses incurred or to be incurred by such constable or other person in the performance of the special services aforesaid; and the Treasurer of the County shall pay such sum or sums upon the written order of the Warden and County Attorney

torney, and shall deduct the amount thereof from the subsequently certified account of the constable or other person employed.

Land Titles
Act.

45. *The Land Titles Act, 1885*, is amended as follows:—

Lessees who
may apply.

1. Section 15 is amended by inserting after the word “unexpired,” in the seventh line the following words: “or in respect of which the lessee or his assigns is or are entitled to a renewal term or succession of terms amounting with the portion unexpired of the current term to twenty-one years or over, or to a renewal for a life or lives.”

2. Section 55 is amended by substituting 3 for 21, in the fifth line of the said section.

Absent
parties.

3. Section 78 is amended by substituting for the words “beyond seas,” the words “from Canada.”

46. The said Act is further amended by inserting the following:—

Mechanics’
Liens where
lands regis-
tered under
Land Titles
Act.

67*a*. In the case of land registered under *The Land Titles Act, 1885*, if a person entitled to a lien on such land, under the Acts relating to mechanic’s liens, shall lodge a caution, supported by an affidavit to the same effect, as is required for registration under the said last mentioned Acts, such caution shall have the same effect as registration has under the said *Mechanics’ Liens Acts*, and be enforced within the same time, and discharged in like manner.

47. The following section is added to the said Act, and is to follow 67*a* :

Proceedings to
realize lien.

67*b*. In such case it shall not be necessary to register a certificate of the commencement of proceedings to realize the lien, but unless proceedings are taken within the time limited by the *Mechanics’ Lien Acts*, the lien shall cease.

48 V. c. 24, s.
1, amended.

48. Section 1 of the *Act respecting Saw Mills on the Ottawa River* is amended by adding thereto the following sub-section :

(5) In cases where damage from the same cause continues, the party may apply from time to time, in the same action, for the assessment of subsequent damages, or any other relief to which by subsequent events he may from time to time become entitled.

48 V. c. 49, ss.
87 & 88
amended.

49. Sections 87 and 88 of *The Public Schools Act, 1885*, are amended by inserting after the word “section” in the seventh line of said section 87, and after the word “section” in the sixth line of said section 88, the following words: “or against the refusal or neglect of the municipal council to appoint an arbitrator on the petition of five ratepayers of the municipalities concerned.”

CHAPTER

CHAPTER 17.

An Act respecting Returns of Convictions by Stipendiary and Police Magistrates.

[Assented to 25th March, 1886.]

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows :—

1. After the 1st day of January next, every Police Magistrate, except as hereinafter mentioned, and every Stipendiary Magistrate shall keep, or cause to be kept, at the place where he most usually holds his court, a book ruled in the same manner as the form of return of convictions given in *The Revised Act respecting Returns of Convictions and Fines by Justices of the Peace*, and shall, from time to time enter, or cause to be entered in the said book, in respect of convictions had before him whether the conviction is under a law within Dominion or Provincial authority, the information required to be given in the returns prescribed by the said Revised Act. Record of convictions.
R. S. O. c. 76.

2. In the case of a Police Magistrate the cost of the book shall be returned to him by the municipality of which he is a Police Magistrate ; or if he is a Police Magistrate of territory composed of two or more municipalities, the cost shall be repaid by the county, and in case of a Stipendiary Magistrate the cost of the book shall be repaid out of the Consolidated Revenue Fund of the Province. Cost of book in which record kept.

3. The required entries shall be made forthwith upon the happening of the event in respect of which information is to be given ; and in case the fine, forfeiture, penalty, or damages imposed, is or are not collected within three months after the imposition thereof, the cause of the same not having been collected shall be written in the column for Observations. When entries to be made.

4. Any person shall be at liberty to inspect the book under this Act at any reasonable time upon the payment of a fee of ten cents, to be paid to the clerk, or to the magistrate, if there is no clerk ; but any person upon whom fine, forfeiture, or penalty, or damages has or have been imposed, or any person in his behalf, may at any reasonable time gratuitously inspect the entry in respect of his conviction ; and the book kept by or for a Police Magistrate shall, at all reasonable times, be open to the gratuitous inspection of any of the officers of the municipality. Record to be open to inspection.

5. In case a Police or Stipendiary Magistrate before whom any conviction takes place, or who receives any such moneys, neglects to make, or cause to be made, the proper entry in respect Penalty.

respect thereto for more than one month after the conviction takes place, or after the receipt of money paid him in respect of the imposition of a fine, forfeiture, penalty or damages, such magistrate shall forfeit and pay the sum of \$80, together with full costs of suit, to be recovered by any person who sues for the same in any Court of Record in the Province, one moiety of which sum shall be paid to the party suing and the other moiety to the Treasurer of the Province for the public use of the Province; and the provisions of section 4 of the said Revised Statute shall apply to any action brought under this section for the recovery of a penalty.

Application of
R. S. O. c. 76,
s. 1, limited.

6. The provisions of section 1 of the said statute shall not be held to apply to a Police or Stipendiary Magistrate, nor shall it be necessary that convictions by Police or Stipendiary Magistrates should be published in any newspaper; but any Police or Stipendiary Magistrate who has heretofore made returns to the clerk of the peace, in the manner prescribed by the said section, shall continue to make such returns in respect of convictions which may be had before him up to and inclusive of the 31st day of December next.

Publication of
entries.

7. The council of any municipality may at any time cause copies of such entries to be made, and may cause the same to be published in any newspaper, or newspapers, or otherwise, as may be deemed fitting.

Return of
convictions.

8. Except as hereinafter mentioned, every Police Magistrate shall forward to the clerk of the peace of the county, for which, or within which, he is Police Magistrate, and to the Inspector of legal offices at Toronto, on or before the second Tuesday in each of the months of March, June, September and December, of every year, a copy certified by him to be a true copy of the entries in his book aforesaid with reference to convictions had before him, or fines, forfeitures, penalties or damages, imposed by him, during the three months ending on the last day of the month of February, May, August, or November, next preceding such second Tuesday; and he shall also append to the said copy a statement of any transactions which have taken place during the time covered by the said period with reference to any conviction made, or fine, forfeiture, penalty or damages, imposed by him during any previous period.

Duties of clerk
of police court.

9. In the case of a city or town which has a salaried clerk of the police court other than the clerk of the council of the city or town, the duties directed by this Act to be performed by the Police Magistrate shall under the like penalties and within the like periods be performed by the clerk. The Police Magistrate shall supervise the performance of the said duties by the clerk.

Act not to
apply to
Toronto.

10. This Act shall not apply to the City of Toronto.

CHAPTER

CHAPTER 18.

An Act respecting Criminal Justice Accounts payable
by the Province.

[Assented to 25th March, 1886.]

WHEREAS it is desirable that constables and other officers of justice should be paid for their services as early as practicable after the same have been performed, and the present system of audit of criminal justice accounts is found productive of delay ;

Preamble.

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows :—

1. The Lieutenant-Governor in Council may appoint a Deputy Clerk of the Crown of any County, or some other public officer resident in the county town of the county to be the Auditor of those accounts relating to the Administration of Justice in the county, for which the Province is liable.

Auditors in Counties.

2. Where such an appointment is made it shall not be requisite for the Auditors appointed under chapter 85 of the Revised Statutes of Ontario, or under section 513 of *The Consolidated Municipal Act, 1883*, to approve or audit any accounts in respect of items set out in the schedule appended to chapter 86 of the Revised Statutes, or any amendments thereof, under any of the following headings : Sheriff, Coroner, Clerk of the Peace, and Crier ;

Audit of certain items dispensed with.

Nor in respect of the items under the heading of Constables where the accounts rendered under these headings are in respect of offences belonging to any of the following classes :

- (a) Offences for which the parties charged had been committed or held to bail for trial at the Assizes or General Sessions.
- (b) Offences for which the parties charged had been indicted at the Assizes, General Sessions or County Judge's Criminal Court.
- (c) Offences of which the parties charged had been convicted before a Police or Stipendiary Magistrate, under 38 Victoria, chapter 47, of the Statutes of Canada ;

Nor in respect of fees to gaol surgeons under the heading Other Matters in the said schedule, or under 44 Victoria, chapter 8, section 3, amended by 45 Victoria, chapter 11, section 10.

3. All other accounts in connection with the administration of civil or criminal justice which, under chapters 84 and

Payment of accounts by county.

85 of the Revised Statutes or otherwise, are paid out of the county funds, shall continue to be audited by the county board of auditors of the county.

Auditor of
accounts.

4. When such an appointment as aforesaid is made, all services heretofore performed by the board of audit provided for under section 2 of chapter 86 of the Revised Statutes, in respect of the approving and auditing of accounts relating to the administration of justice, and in respect of the auditing of accounts of the county attorney, for which the Province is liable, shall thereafter be performed by the auditor so appointed as aforesaid; the auditor so appointed shall, so far as the auditing of the above-mentioned accounts is concerned, be substituted for the board of audit, wherever the said board is mentioned or referred to in the said Revised Statute, chapter 85.

When
accounts to be
delivered to
auditor.

5. All accounts and demands to be audited by the said auditor shall be delivered in duplicate to the said auditor, on or before the tenth day of every month and shall include all demands of the person rendering the same up to the last day of the preceding month, care being taken that one month's account does not run into another.

Form of
account.

6. Each account shall be rendered in duplicate in the form shewn in Schedule A hereto, or in such other form as the Lieutenant-Governor in Council may from time to time prescribe, and shall be verified by the oath of the party (sworn before a justice of the peace, which oath shall be administered without charge), that the amount is correct in every particular, and whenever mileage is charged the places from and to which the mileage is reckoned, and also the number of miles shall be mentioned; in no case shall more than the actual number of miles travelled be allowed, nor where the service is by a sheriff's officer a greater number of miles than the distance from the court house to the place of service, and the separate items in such account shall be numbered in order.

Constable's
accounts to be
certified.

7. Every account of a constable shall be certified by the justice or coroner under whose direction the constable acted.

Forms to be
provided by
county.

8. Forms of account, in accordance with Schedule A, or such other forms as may be prescribed by the Lieutenant-Governor in Council, shall be provided by the county, and shall be furnished by the county treasurer to the officers requiring them on their applying therefor.

Powers of
auditor.

9. The auditor shall have power to call upon the claimant for any information that may be required in connection with his accounts, and for a reference to the authority for the charges made, and may administer an oath to the claimant or any other person giving evidence in respect of the claim, but shall make no charge therefor.

10. It shall be the duty of the said auditor to audit each account on receipt thereof, or as soon thereafter as he reasonably can, and in the presence of the claimant if he so desires; the auditor shall note with red ink in the proper column of the account the item or items disallowed or deferred for further inquiry, distinguishing those disallowed from those deferred, and he shall forthwith, after audit, transmit one of the duplicates of each account to the county treasurer, having first indorsed on such account a certificate shewing the amount found to be due to the claimant.

Duties of auditor.

11. The treasurer of the county shall pay the accounts so approved and take receipts therefor, and shall transmit the receipted accounts, with a proper statement of account to the clerk of criminal justice accounts at Toronto to be kept on file in the proper department, and warrants shall be issued for the amount of such payments to the county treasurer quarterly as hitherto.

Transmission of accounts to Clerk of Criminal Justice accounts.

(a) But the Treasurer of the Province may disallow any sums which have been improperly allowed by the auditor and (unless the same are disallowed because payable by the County and not the Province) in case the same are paid meanwhile by the County Treasurer, he shall deduct the same from any moneys which may within a year next thereafter be payable by the County to the persons to whom the payment was erroneously made; and if no moneys shall be so payable, or not sufficient, the Province shall make good to the County the amount or the deficiency, as the case may be.

12. This Act shall not apply to accounts rendered for services performed prior to the first day of July next.

Application of Act.

SCHEDULE A.

(Referred to in Sections 6 and 8).

Province of Ontario,
Dr. to A. B.,
Constable of the County of

Date of Service.	Number of Items.	Nature of Service.	Amount claimed by official.	Deferred for further inquiry.	Dis-allowed.	Amount payable by the govern-ment.

I hereby certify that the above services were duly performed by Constable _____ under my directions, and that the said prisoner was committed by me for trial at the assizes (or as the case may be).

F. G.,
Justice of the Peace for the above County.

(Affidavit on back.)

County of _____ } I _____ of _____
To Wit; } in the county of _____ make oath and
say :—

(1) That the within account of services performed by me is true in every particular.*

(2) That I have not been paid any portion of the charges, nor has any other person to my knowledge received payment for me or on my behalf, nor has any other person to my knowledge rendered a similar account for the same services.

(3) That to perform the said services I necessarily travelled the distances in the account mentioned.

Sworn before me at _____ in the County of _____
this _____ day of _____ A. D. 188 _____.

[* Where special explanations are given, add : (4) "and that the explanatory statements written upon the said account are true in every particular."]

Endorsement on back of Account.	January, 1887.	County of Grey.	Account of A.B.,	Constable.
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CHAPTER 19.

An Act respecting Certain Unorganized Districts of the Province.

[Assented to 25th March, 1886.]

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows :—

Division line
between
Thunder Bay
and Algoma.

1. All that portion of the Provisional Judicial District of Algoma lying west of the meridian of 85 degrees of west longitude

itude is detached therefrom and is annexed to the Provisional Judicial District of Thunder Bay for all purposes, except electoral purposes. This section shall go into force on the first day of July next after the passing of this Act.

2. All actions and proceedings then pending or being in any Court in the said portion of Algoma so annexed to the said District of Thunder Bay, may be proceeded with thereafter as if this Act had not been passed, but any execution thereafter issued to be executed within the territory hereby annexed to Thunder Bay shall, subject to the provisions of the next section, be directed to the proper officer of Thunder Bay.

Pending actions in the territory hereby annexed to Thunder Bay.

3. Nothing herein contained shall prevent the Sheriff of Algoma from proceeding upon and completing the execution or service within the said territory, of any writ of mesne or final process in his hands at the time the said annexation takes effect, or any renewal of such writ, or any subsequent or supplementary writ in the same cause ; or, in the case of executions against lands, from executing all necessary deeds and conveyances relating to the same ; and the acts of the said Sheriff of Algoma in respect of these matters shall be valid in the same manner and to the same extent as if this Act had not been passed, and no further.

Jurisdiction of sheriff of Algoma continued.

4. After the said annexation the provisions of sections 28 and 29 of *The Registry Act*, as amended by any Act passed during the present Session of this Legislature, shall apply to the territory hereby annexed to Thunder Bay, and to the Registrars of the said Districts of Algoma and Thunder Bay.

Registry Act.

5. Subject to the provisions of section 16 of *The Assessment Act, 1885*, all appeals from the decision of any Court of Revision, in respect of an assessment in any municipality in the District of Algoma, or in that part of the District of Thunder Bay, not included in the Rainy River District, shall be to the District Judge, and in any municipality in any of the Districts of Muskoka, Parry Sound, Nipissing and Rainy River, shall be to the Stipendiary Magistrate of the district, whether the municipality was organized under any of the Acts mentioned in section 1 of the Act passed in the 46th year of Her Majesty's reign, intituled *An Act respecting Appeals to Stipendiary Magistrates from Municipal Assessments in Algoma, Muskoka, Parry Sound, Nipissing and Thunder Bay*, or was incorporated otherwise ; and section 2 of the said last mentioned Act, shall apply to appeals arising in any municipality in any of the said districts.

Appeals under Assessment Act.

6. The District Judges and Stipendiary Magistrates, as the case may be, shall, in the said respective municipalities, have for the purposes of *The Voters' Lists Act*, and the Acts amending the same, the jurisdiction, duties and powers which County Court Judges have in counties.

Revision of voters' lists.

Jurisdiction
of Stipendiary
Magistrate in
actions.

7.—(1) In respect of actions commenced or to be commenced by the issue of process out of the office of the Deputy Clerk for the District of Rainy River, the Stipendiary Magistrate for the District of Rainy River may, subject to an appeal to the Judge of the District Court of the Provisional Judicial District of Thunder Bay, do all such things and transact all such business and exercise all such authority and jurisdiction as, by virtue of any statute or custom, or by the rules and practice in force in the said District Court, are now, or under the provisions of this Act may be done, transacted or exercised by the said Judge sitting in Chambers, except (unless by consent of the parties) in respect of the following proceedings and matters, that is to say:—

- (a) The referring of causes under any Act in force respecting references ;
- (b) Reviewing taxation of costs ; and
- (c) Staying proceedings between verdict and judgment.

(2) In such excepted matters, the said Stipendiary Magistrate may issue a summons returnable before the said Judge, with or without a stay of proceedings, as he may think proper.

(3) In case any matter shall appear to the said Stipendiary Magistrate to be proper for the decision of the Judge, the Stipendiary Magistrate may refer the same to the Judge, and the Judge may either dispose of the matter, or refer the same back to the Stipendiary Magistrate with such directions as he may think fit.

Appeals from
orders of
Stipendiary
Magistrate.

(4) Appeals from the Stipendiary Magistrate's order or decision may be made by summons, such summons to be taken out within ten days after the decision complained of, or within such further time as may be allowed by the Judge, or by the Stipendiary Magistrate.

(5) An appeal shall be no stay unless so ordered by the Judge or Stipendiary Magistrate.

(6) The costs of an appeal shall be in the discretion of the Judge.

(7) The fees and the scale of allowance thereof, for all matters done by and before the Stipendiary Magistrate, shall be the same as are authorized for business done by and before the Judge.

(8) The Stipendiary Magistrate in granting any summons or order may impose upon the party obtaining the same such terms or conditions as he deems expedient.

Solicitors
practising in
Rainy River
District.

8. Any solicitor or attorney authorized to practise as such in any Province of Canada, who was residing and practising in the territory now constituting the Rainy River District at and before the date of the order of Her Majesty in Council
with

with respect to the westerly boundary of this Province, shall be entitled to practise in the said district without any prior service or contract of service to or with an attorney or solicitor of this Province, and without examination subject to his taking the oath required of and paying the fees payable by other solicitors and attorneys on their admission to practise in this Province, and obtaining their annual certificates thereafter, and subject also to all other conditions and regulations applicable to solicitors and attorneys.

CHAPTER 20.

An Act for improving the practice of Conveyancing and amending the Law of Property. .

[Assented to 25th March, 1886.]

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. This Act may be cited as "*The Conveyancing and Law of Property Act, 1886.*"

Short title.
Imp. Act, 44
& 45 V.,
c. 41, s. 1.

2. This Act shall commence and take effect from and immediately after the 1st day of July, 1886.

Commence-
ment.

3. In this Act—

1. Property (unless a contrary intention appears) includes real and personal property, and any debt, and any thing in action, and any other right or interest.

Interpretation
of property,
land, etc.
Imp. Act, *ib.*
sec. 2.

2. Land (unless a contrary intention appears) includes tenements and hereditaments, corporeal or incorporeal; and houses and other buildings; also an undivided share in land.

3. Conveyance (unless a contrary intention appears) includes assignment, appointment, lease, settlement, and other assurance, and covenant to surrender, made by deed, on a sale, mortgage, demise, or settlement of any property or on any other dealing with or for any property; and convey (unless a contrary intention appears) has a meaning corresponding with that of conveyance.

4. Mortgage includes any charge on any property for securing money or money's worth; and mortgage money means money or money's worth, secured by a mortgage; and mortgagor includes any person from time to time deriving title under the original mortgagor, or entitled to redeem a mortgage,
according

according to his estate, interest, or right, in the mortgaged property; and mortgagee includes any person from time to time deriving title under the original mortgagee.

5. Incumbrance includes a mortgage in fee, or for a less estate, and a trust for securing money, and a lien, and a charge of a portion, annuity or other capital or annual sum; and incumbrancer has a meaning corresponding with that of incumbrance, and includes every person entitled to the benefit of an incumbrance, or to require payment or discharge thereof.

6. Purchaser (unless a contrary intention appears) includes a lessee or mortgagee, and an intending purchaser, lessee or mortgagee, or other person, who, for valuable consideration, takes or deals for any property; and purchase (unless a contrary intention appears) has a meaning corresponding with that of purchaser; but sale means only a sale properly so-called.

7. A mining lease is a lease for mining purposes, that is, the searching for, working, getting, making merchantable, carrying away, or disposing of mines and minerals, or purposes connected therewith, and includes a grant or license for mining purposes.

8. The High Court of Justice is referred to as the Court.

Words of limitation unnecessary. Imp. Act, sec. 51.

4.—(1) In a deed, or other instrument, it shall not be necessary, in the limitation of an estate in fee simple to use the word heirs; or in the limitation of an estate in tail to use the words heirs of the body; or in the limitation of an estate in tail male or in tail female, to use the words heirs male of the body, or heirs female of the body.

(2) For the purpose of any such limitation it shall be sufficient in a deed, or other instrument, as in a will to use the words in fee simple, in tail, in tail male, or in tail female, according to the limitations intended, or to use any other words sufficiently indicating the limitation intended.

Provision for all the estate, etc.

Imp. Act, sec. 63.

(3) Where no words of limitation are used, a conveyance shall pass all the estate, right, title, interest, claim and demand, which the conveying parties respectively have, in, to, or on the property conveyed, or expressed or intended so to be, or which they respectively have power to convey in, to, or on the same. This sub-section applies only if and as far as a contrary intention does not appear from the conveyance, and shall have effect subject to the terms of the conveyance and to the provisions therein contained.

(4) This section applies only to conveyances made after the commencement of this Act.

Imp. Act, s. 6; R.S.O. c. 102, s. 4.

5.—(1) A conveyance of land shall be deemed to include, and shall by virtue of this Act operate to convey, with the land, the particulars set forth in section 4 of *The Act respecting Short Forms of Conveyances*. 2.

(2) This section applies only if and as far as a contrary intention is not expressed in the conveyance, and shall have effect subject to the terms of the conveyance and to the provisions therein contained.

(3) This section shall not be construed as giving to any person a better title to any property, right or thing in this section mentioned than the title which the conveyance gives to him to the land expressed to be conveyed, or as conveying to him any property, right, or thing in this section mentioned, further or otherwise than as the same could have been conveyed to him by the conveying parties.

(4) This section applies only to conveyances made after the commencement of this Act.

6. Freehold land, or a thing in action, may be conveyed by a person to himself jointly with another person, by the like means by which it might be conveyed by him to another person; and may, in like manner, be conveyed by a husband to his wife and by a wife to her husband, alone or jointly with another person.

Conveyance by a person to himself, etc.
Imp. Act, sec. 50; R. S. O., c. 95, s. 10.

7.—(1) Where a mortgagor is entitled to redeem, he shall, by virtue of this Act, have power to require the mortgagee, instead of giving a certificate of payment or re-conveying, and on the terms on which he would be bound to re-convey, to assign the mortgage debt and convey the mortgaged property to any third person, as the mortgagor directs; and the mortgagee shall, by virtue of this Act be bound to assign and convey accordingly.

Obligation on mortgagee to transfer instead of re-conveying.
Imp. Act, sec. 15, R. S. O. c. 97; c. 107, ss. 15, 16.

(2) This section does not apply in the case of a mortgagee being or having been in possession.

(3) This section applies to mortgages made either before or after the commencement of this Act, and shall have effect notwithstanding any stipulation to the contrary.

8.—(1) A mortgagor, as long as his right to redeem subsists, shall, by virtue of this Act, be entitled from time to time, at reasonable times, on his request, and at his own cost, and on payment of the mortgagee's costs and expenses in this behalf, to inspect and make copies or abstracts of or extracts from the documents of title relating to the mortgaged property in the custody or power of the mortgagee.

Power for mortgagor to inspect title deeds.
Imp. Act, sec. 16.

(2) This section applies only to mortgages made after the commencement of this Act, and shall have effect notwithstanding any stipulation to the contrary.

9.—(1) All money payable on an insurance to a mortgagor shall, if the mortgagee so requires, be applied by the mortgagor in making good the loss or damage in respect of which the money is received.

Insurance money.
Imp. Act, sec. 23; see 42 V. c. 20, s. 1.
(2) (Ont.).

(2) Without prejudice to any obligation to the contrary imposed by law or by special contract, a mortgagee may require that all money received on an insurance be applied in or towards the discharge of the money due under his mortgage.

Receipt in deed sufficient.

Imp. Act, ss. 54, 55; R.S.O., c. 109, s. 1, sub-s. 4.

10. A receipt for consideration money or securities contained in the body of a conveyance shall be a sufficient discharge for the same to the person paying or delivering the same, without any further receipt for the same being indorsed on the conveyance, and shall, in favour of a subsequent purchaser not having notice that the money or other consideration thereby acknowledged to be received was not in fact paid or given wholly or in part, be sufficient evidence of the payment or giving of the whole amount thereof.

Rights of purchaser as to execution of purchase deed

Imp. Act, s. 8.

11.—(1) On a sale, the purchaser shall not be entitled to require that the conveyance to him be executed in his presence, or in that of his solicitor, as such; but shall be entitled to have, at his own cost, the execution of the conveyance attested by some person appointed by him, who may, if he thinks fit, be his solicitor.

(2) This section applies only to sales made after the commencement of this Act.

Provision by court for incumbrances, and sale freed therefrom.

Imp. Act, s. 5.

12.—(1) Where land subject to any incumbrance, whether immediately payable or not, is sold by the Court or out of Court, the Court may, if it thinks fit, on the application of any party to the sale, direct or allow payment into Court—in case of an annual sum charged on the land, or of a capital sum charged on a determinable interest in the land—of such amount as, when invested in securities approved by the Court, the Court considers will be sufficient by means of the dividends thereof to keep down or otherwise provide for that charge; and—in any other case of capital money charged on the land—of the amount sufficient to meet the incumbrance and any interest due thereon; but in either case there shall also be paid into Court such additional amount as the Court considers will be sufficient to meet the contingency of further costs, expenses, and interest, and any other contingency except depreciation of investments, not exceeding one-tenth part of the original amount to be paid in, unless the Court for special reasons thinks fit to require a larger additional amount.

(2) Thereupon the Court may, if it thinks fit, and either after or without any notice to the incumbrancer as the Court thinks fit, declare the land to be freed from the incumbrance; and make any order for conveyance, or vesting order, proper for giving effect to the sale; and give directions for the retention and investment of the money in Court.

(3) After notice served on the persons interested in or entitled to the money or fund in Court, the Court may direct payment

payment or transfer thereof to the persons entitled to receive or give a discharge for the same, and generally may give directions respecting the application or distribution of the capital or income thereof.

(4) This section applies to sales not completed at the commencement of this Act, and to sales thereafter made.

13.—(1) In a conveyance there shall, in the several cases in this section mentioned, be deemed to be included, and there shall in those several cases by virtue of this Act be implied, covenants to the effect in this section stated, by the person or by each person who conveys, as far as regards the subject-matter or share of subject-matter expressed to be conveyed by him, with the person, if one, to whom the conveyance is made, or with the persons jointly, if more than one, to whom the conveyance is made as joint tenants, or with each of the persons, if more than one, to whom the conveyance is made as tenants in common, that is to say :

Covenants to be implied.
Imp. Act, s. 7,
R. S. O.,
cc. 102, 103,
104.

(a) In a conveyance for valuable consideration, other than a mortgage, the following covenants by the person who conveys, and is expressed to convey, as beneficial owner, namely :

Onconveyance for value by beneficial owner
Imp. Act, s. 7.

Covenants for Right to convey ;

Quiet enjoyment ;

Freedom from incumbrances ; and

Further assurance ;

According to the tenor and effect of the several and respective forms of covenants for the said purposes set forth in the Schedules to *The Revised Act respecting Short Forms of Conveyances*, and therein numbered 2, 3, 4 and 5, respectively, subject to the directions in the said Schedule contained.

(b) In a conveyance of leasehold property for valuable consideration, other than a mortgage, the following further covenant, by the person who conveys, and is expressed to convey, as beneficial owner (namely):

Onconveyance of leaseholds for value, by beneficial owner.

That, notwithstanding anything by the person who so conveys, made, done, executed or omitted, or knowingly suffered, the lease or grant creating the term or estate for which the land is conveyed is, at the time of conveyance, a good, valid, and effectual lease or grant of the property conveyed, and is in full force, unforfeited, unsurrendered, and in nowise become void or voidable, and that, notwithstanding anything as aforesaid, all the rents reserved by and all the covenants, conditions and agreements contained in the lease or grant, and on the part of the lessee or grantee, and the persons deriving title under

Validity of lease.
Imp. Act, s. 7.

under him to be paid, observed, and performed, have been paid, observed and performed, up to the time of conveyance.

On mortgage,
by beneficial
owner.
R.S.O. c. 104;
42 V. c. 20,
(Ont.).

(c) In a conveyance by way of mortgage, the following covenants by the person who conveys, and is expressed to convey as beneficial owner (namely):

For payment of the mortgage money and interest, and observance in other respects of the proviso in the mortgage;

Good title;

Right to convey;

That, on default, the mortgagee shall have quiet possession of the land;

Free from all incumbrances;

That the mortgagor will execute such further assurances of the said lands as may be requisite; and

That the mortgagor has done no act to incumber the land mortgaged;

According to the tenor and effect of the several and respective forms of covenants for the said purposes set forth in *The Revised Act respecting Short Forms of Mortgages*.

On mortgage
of leaseholds,
by beneficial
owner.
R.S.O., c. 104.
Validity of
lease.

(d) In a conveyance by way of mortgage of leasehold property, the following further covenant by the person who conveys, and is expressed to convey, as beneficial owner (namely):

That the lease or grant creating the term or estate for which the land is held is, at the time of conveyance, a good, valid, and effectual lease or grant of the land conveyed, and is in full force, unforfeited, and unsurrendered, and in nowise become void, or voidable, and that all the rents reserved by, and all the covenants, conditions and agreements contained in, the lease, or grant, and on the part of the lessee or grantee and the persons deriving title under him to be paid, observed, and performed, have been paid, observed and performed, up to the time of conveyance;

Payment of
rent and per-
formance of
covenants.

And also, that the person so conveying, or the persons deriving title under him, will at all times, as long as any money remains on the security of the conveyance, pay, observe, and perform, or cause to be paid, observed and performed, all the rents reserved by, and all the covenants, conditions and agreements, contained in the lease or grant, and on the part of the lessee or grantee, and the persons deriving title

title under him, to be paid, observed and performed, and will keep the person to whom the conveyance is made, and those deriving title under him, indemnified against all accidents, proceedings, costs, charges, damages, claims and demands, if any, to be incurred or sustained by him or them, by reason of the non-payment of such rent, or the non-observance or non-performance of such covenants, conditions and agreements, or any of them :

- (f) In any conveyance, the following covenant by every person who conveys, and is expressed to convey, as trustee or mortgagee, or as personal representative of a deceased person, or as committee of a lunatic so found by inquisition or judicial declaration, or under an order of the Court, which covenant shall be deemed to extend to every such person's own acts only (namely):

On conveyance
by trustee,
etc.
Imp. s. 7.

That the person so conveying has not executed, or done, or knowingly suffered, or been party or privy to, any deed or thing, whereby, or by means whereof the subject-matter of the conveyance, or any part thereof is, or may be impeached, charged, affected, or incumbered in title, estate or otherwise, or whereby or by means whereof the person who so conveys is in anywise hindered from conveying the subject-matter of the conveyance or any part thereof, in the manner in which it is expressed to be conveyed.

Against in-
cumbrances.

(2) Where in a conveyance it is expressed that by direction of a person expressed to direct as beneficial owner another person conveys, then the person giving the direction, whether he conveys and is expressed to convey as beneficial owner or not, shall be deemed to convey, and to be expressed to convey as beneficial owner the subject-matter so conveyed by his direction; and a covenant on his part shall be implied accordingly.

(3) Where in a conveyance, a person conveying is not expressed to convey as beneficial owner, or as settlor, or as trustee, or as mortgagee, or as personal representative of a deceased person, or as committee of a lunatic so found by inquisition, or under an order of the Court, or by direction of a person as beneficial owner, no covenant on the part of the person conveying shall be by virtue of this section implied in the conveyance.

(4) The benefit of a covenant, implied as aforesaid, shall be annexed and incident to and shall go with the estate or interest of the implied covenantee, and shall be capable of being enforced by every person in whom that estate or interest is for the whole or any part thereof from time to time vested.

(5)

(5) A covenant implied as aforesaid, may be varied or extended by deed, and as so varied or extended, shall, as far as may be, operate in the like manner, and with all the like incidents, effects and consequences, as if such variations or extensions were directed in this section to be implied.

(6) This section applies only to conveyances made after the commencement of this Act.

Implied covenants in mortgages are joint and several.

Imp. Act, sec. 28.

14.—(1) In a mortgage, where more persons than one are expressed to convey as mortgagors, or to join as covenantors, the implied covenants on their part shall be deemed to be joint and several covenants by them; and where there are more mortgagees than one, the implied covenant with them shall be deemed to be a covenant with them jointly, unless the amount secured is expressed to be secured to them in shares or distinct sums; in which latter case the implied covenant with them shall be deemed to be a covenant with each severally in respect of the share or distinct sum secured to him.

(2) This section applies only to a mortgage made after the commencement of this Act.

Effect of advance on joint account, etc.

Imp. Act, sec. 61.

15.—(1) Where in a mortgage or an obligation for payment of money, or a transfer of mortgage or of such obligation, the sum, or any part of the sum, advanced or owing is expressed to be advanced by or owing to more persons than one out of money, or as money, belonging to them on a joint account, or where a mortgage, or such an obligation, or such a transfer is made to more persons than one, jointly, and not in shares—the mortgage money, or other money or money's worth, for the time being due to those persons on the mortgage or obligation, shall be deemed to be and remain money or money's worth belonging to those persons on a joint account, as between them and the mortgagor or obligor; and the receipt in writing of the survivors or last survivor of them, or of the personal representatives of the last survivor, shall be a complete discharge for all money or money's worth for the time being due, notwithstanding any notice to the payer of a severance of the joint account.

(2) This section applies only if and as far as a contrary intention is not expressed in the mortgage, or obligation, or transfer, and shall have effect subject to the terms of the mortgage, or obligation, or transfer, and to the provisions therein contained.

(3) This section applies only to a mortgage, or obligation, or transfer made after the commencement of this Act.

Restrictions on and relief against forfeiture of leases.

16.—(1) A right of re-entry or forfeiture under any proviso or stipulation in a lease, for a breach of any covenant or condition in the lease, shall not be enforceable, by action or otherwise, unless and until the lessor serves on the lessee a notice specifying the particular breach complained of, and if the

the breach is capable of remedy, requiring the lessee to remedy the breach, and, in any case, requiring the lessee to make compensation in money for the breach, and the lessee fails, within a reasonable time thereafter, to remedy the breach, if it is capable of remedy, and to make reasonable compensation in money, to the satisfaction of the lessor for the breach.

Imp. Act, sec. 14; R.S.O., c. 40, s. 49, *et seq.*; *ib.* c. 51, ss. 61, 63, 64; *ib.* c. 136, ss. 12, 13, 14.

(2) Where a lessor is proceeding by action or otherwise, to enforce such a right of re-entry or forfeiture, the lessee may, in the lessor's action, if any, or in any action brought by himself, apply to the Court for relief; and the Court may grant or refuse relief, as the Court, having regard to the proceedings and conduct of the parties under the foregoing provisions of this section, and to all the other circumstances, thinks fit; and in case of relief may grant it on such terms, if any, as to costs, expenses, damages, compensation, penalty, or otherwise, including the granting of an injunction to restrain any like breach in the future, as the Court in the circumstances of each case thinks fit.

(3) For the purposes of this section, a lease includes an original or derivative under-lease, also a grant at a fee farm rent, or securing a rent by condition; and a lessee includes an original or derivative under-lessee, and the heirs, executors, administrators, and assigns of a lessee, also a grantee under such a grant as aforesaid, his heirs and assigns; and a lessor includes an original or derivative under-lessor, and the heirs, executors, administrators, and assigns of a lessor, also a grantor as aforesaid, and his heirs and assigns.

(4) This section applies, although the proviso or stipulation under which the right of re-entry or forfeiture accrues is inserted in the lease, in pursuance of the directions of any Act of Parliament or of this Legislature.

(5) For the purposes of this section, a lease limited to continue as long only as the lessee abstains from committing a breach of covenant shall be and take effect as a lease to continue for any longer term for which it could subsist, but determinable by a proviso for re-entry on such a breach.

(6) This section does not extend—

(a) To a covenant or condition, against the assigning, underletting, parting with the possession, or disposing of the land leased; or to a condition for forfeiture on the bankruptcy of the lessee, or on the taking in execution of the lessee's interest; or

(b) In case of a mining lease, to a covenant or condition for allowing the lessor to have access to or inspect books, accounts, records, weighing machines or other things, or to enter or inspect the mine or the workings thereof.

(7) This section shall not affect the law relating to re-entry or forfeiture or relief in cases of non-payment of rent.

(8)

(8) This section applies to leases made either before or after the commencement of this Act, and shall have effect notwithstanding any stipulation to the contrary.

(9) Sections numbered 12, 13 and 14, of *The Revised Act respecting the Law of Landlord and Tenant*, are hereby repealed.

Vesting of
trust property
in new or
continuing
trustees.

Imp. Act,
s. 34; R. S. O.
c. 107, s. 3.

17.—(1) Where an instrument by which a new trustee is appointed to perform any trust contains a declaration by the appointor to the effect that any estate or interest in any land subject to the trust, or in any chattel so subject, or the right to recover and receive any debt or other thing in action so subject, shall vest in the persons who by virtue of such instrument become and are the trustees for performing the trust, that declaration shall, without any conveyance or assignment, operate to vest in those persons, as joint tenants, and for the purposes of the trust, that estate, interest or right.

(2) Where an instrument by which a retiring trustee is discharged under this Act contains such a declaration as is in this section mentioned by the retiring and continuing trustees, and by the other person, if any, empowered to appoint trustees, that declaration shall, without any conveyance or assignment, operate to vest in the continuing trustees alone, as joint tenants, and for the purposes of the trust, the estate, interest, or right to which the declaration relates.

(3) This section does not extend to any such share, stock, annuity, or property as is only transferable in books kept by a company or other body, or in manner prescribed by or under an Act of Parliament or of this Legislature.

(4) For purposes of registration of an instrument in any registry, the person or persons making the declaration shall be deemed the conveying party or parties, and the conveyance shall be deemed to be made by him or them under a power conferred by this Act.

(5) This section applies only to instruments executed after the commencement of this Act.

Power for
court to bind
interest of
married
women.

Imp. Act,
s. 39.

18.—(1) Notwithstanding that a married woman is restrained from anticipation, the Court may, if it thinks fit, where it appears to the Court to be for her benefit, by judgment or order, with her consent, bind her interest in any property.

(2) This section applies only to judgments or orders made after the commencement of this Act.

Regulations
respecting
payments into
court and
applications.

Imp. Act,
s. 69.

19.—(1) Payment of money into Court shall effectually exonerate therefrom the person making the payment.

(2) Every application to the Court shall, except where it is otherwise expressed, be made in chambers, and on notice.

(3)

(3) On an application by a purchaser, notice shall be served in the first instance on the vendor.

(4) On an application by a vendor, notice shall be served in the first instance on the purchaser.

(5) On any application, notice shall be served on such persons, if any, as the Court thinks fit.

(6) The Court shall have full power and discretion to make such order as it thinks fit respecting the costs, charges or expenses of all or any of the parties to any application.

20.—(1) An order of the Court under any statutory or other jurisdiction shall not, as against a purchaser, be invalidated on the ground of want of jurisdiction, or of want of any concurrence, consent, notice, or service, whether the purchaser has notice of any such want or not.

Orders of court conclusive.
Imp. Act, s. 70.

(2) This section applies to all orders made before or after the commencement of this Act, except orders (if any) which have before the commencement of this Act been set aside or determined to be invalid on any ground, and except orders, (if any) as regards which an action or proceeding is at the commencement of this Act pending for having it set aside or determined to be invalid.

21.—The provisions of *The Ontario Judicature Act, 1881*, respecting rules of Court shall apply to general rules for any of the purposes of this Act, including the remuneration of solicitors in respect of business connected with sales, purchases, leases, mortgages, settlements, and other matters of conveyancing.

Rules for remuneration in conveyancing, etc.
Imp. Act, 44 & 45 V. c. 44, s. 2; Ont. 44 V. c. 5, ss. 54, 55.

22. Any such general rule may, as regards the mode of remuneration, prescribe that it shall be according to a scale of rates of commission or per-centage, varying or not in different classes of business; or by a gross sum; or by a fixed sum for each document prepared or perused, without regard to length; or in any other mode, or partly in one mode and partly in another, or others; and may, as regards the amount of the remuneration, regulate the same with reference to all or any of the following among other considerations; namely:—the position of the party for whom the solicitor is concerned in any business, that is, whether as vendor or as purchaser, lessor or lessee, mortgagor or mortgagee, and the like; the place, district, and circumstances at or in which the business or part thereof is transacted; the amount of the capital money or of the rent to which the business relates; the skill, labour and responsibility involved therein on the part of the solicitor; the number and importance of the documents prepared or perused, without regard to length; and the average or ordinary remuneration obtained by solicitors in like business at the passing of this Act.

Principles of remuneration.
Imp. Act, 44, & 45 V. c. 44, s. 4; R.S.O. c. 102, s. 5; *ib.* c. 104, s. 5.

Effect of order
as to taxation.

(3) As long as any such general rule is in operation, the taxation of bills of costs of solicitors shall be regulated thereby.

Power for
solicitor and
client to agree
on form and
amount of
remuneration.
Imp. Act,
s. 8.

23.—(1) With respect to any business to which the preceding section relates, whether any general rule under this Act is in operation or not, it shall be competent (subject to the provisions hereinafter mentioned) for a solicitor to make an agreement with his client, and for a client to make an agreement with his solicitor, before or after or in the course of the transaction of any such business, for the remuneration of the solicitor, to such amount and in such manner as the solicitor and the client think fit, either by a gross sum, or by commission or per-centage, or by salary, or otherwise; and it shall be competent for the solicitor to accept from the client, and for the client to give to the solicitor, remuneration accordingly.

(2) The agreement shall be in writing, signed by the person to be bound thereby or by his agent in that behalf.

(3) The agreement may, if the solicitor and the client think fit, be made on the terms that the amount of the remuneration therein stipulated for either shall include or shall not include all or any disbursements made by the solicitor in respect of searches, plans, travelling fees, or other matters.

Unfair or
unreasonable
agreement not
to bind the
client.

(4) The agreement may be sued and recovered on, or impeached and set aside, in the like manner and on the like grounds as an agreement not relating to the remuneration of a solicitor; and if, under any order for taxation of costs, such agreement being relied upon by the solicitor shall be objected to by the client as unfair and unreasonable, the taxing master or officer of the Court may inquire into the facts, and certify the same to the Court; and if, upon such certificate, it shall appear to the Court or Judge that just cause has been shewn either for cancelling the agreement, or for reducing the amount payable under the same, the Court or Judge shall have power to order such cancellation or reduction, and to give all such directions necessary or proper for the purpose of carrying the order into effect, or otherwise consequential thereon, as to the Court or Judge may seem fit.

Imp. Act, 44
& 45 V. c. 44,
s. 1.

(5) "Client," for the purposes of this section, includes any person who, as a principal, or on behalf of another or as trustee or executor or in any other capacity, has power, express or implied, to retain or employ, and retains or employs, or is about to retain or employ, a solicitor, and any person for the time being liable to pay to a solicitor for his services any costs, remuneration, charges, expenses, or disbursements.

CHAPTER 21.

An Act respecting Covenants contained in Short Forms of Leases.

[Assented to 25th March, 1886.]

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows :—

1. Unless the contrary is expressly stated in the lease, all covenants not to assign or sub-let without leave entered into by a lessee under *The Act respecting Short Forms of Leases*, shall run with the land demised, and shall bind the heirs, executors, administrators, and assigns of the lessee, whether mentioned in the lease or not, unless it is by the terms of the lease otherwise expressly provided, and the proviso for re-entry contained in the schedule to the said Act shall, when inserted in any such lease, apply to a breach of either an affirmative or negative covenant.

Covenants to run with land.

2. The extended form of covenant not to assign and sub-let, contained in Schedule B to *The Revised Statute respecting Short Forms of Leases* and therein numbered 7, is hereby amended by inserting the words, "his executors, administrators, or assigns," after the word "lessee" in the first line thereof.

Schedule B, amended.

3. Nothing in this Act shall apply to or affect existing leases.

Existing leases not affected.

CHAPTER 22.

An Act respecting the Estates of Deceased Persons.

[Assented to 25th March, 1886.]

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows :—

1. This Act may be cited as "*The Devolution of Estates* Short title. Act, 1886."

2. This Act shall commence on the 1st day of July, 1886, and shall apply only to the estates of persons dying on or after that date.

Commencement of Act.

3.

Application
of Act.

3. Subject as above this Act shall apply :—

- (a) To all estates of inheritance in fee simple, or limited to the heir as special occupant, in any tenements or hereditaments in Ontario, whether corporeal or incorporeal.
- (b) To chattels real in Ontario.
- (c) To all other personal property of any person who has died domiciled in Ontario.

Provided, that all real or personal property comprised in any disposition made by will in exercise of a general testamentary power of appointment shall be deemed to be within the provisions of this section, if otherwise applicable.

Property to
devolve on
personal repre-
sentative.

4.—(1) All such property as aforesaid which is vested in any person, or is comprised in any such disposition as aforesaid made by him, shall on his death, notwithstanding any testamentary disposition, devolve upon and become vested in his legal personal representatives from time to time, and subject to the payment of his debts; and so far as the said property is not disposed of by deed, will, contract or other effectual disposition, the same shall be distributed as personal property not so disposed of is hereafter to be distributed.

Saving as to
dower.

(2) Nothing in this Act shall be construed to take away a widow's right to dower; but a widow may by deed or instrument in writing, attested by at least one witness, elect to take her interest under this section in her husband's undisposed of real estate, in lieu of all claims to dower in respect of real estate of which her husband was at any time seised, or to which at the time of his death he was beneficially entitled; and unless she so elects she shall not be entitled to share under this section in the undisposed of real estate aforesaid.

Saving as to
husband's inter-
est in prop-
erty of wife.

(3) Any husband who, if this Act had not passed, would be entitled to an interest as tenant by the curtesy in any real estate of his wife, may by deed or instrument in writing executed within six calendar months after his wife's death, and attested by at least one witness, elect to take such interest in the real and personal property of his deceased wife as he would have taken if this Act had not passed, in which case the husband's interest therein shall be ascertained in all respects as if this Act had not passed, and he shall be entitled to no further interest under this Act.

Administra-
tors to give
security.

(4) Where any person applies to be appointed an administrator, and the administration applied for is a general administration, the application and the affidavit in support thereof shall shew the particulars of the real estate of the deceased; and the value or probable value thereof, and the amount of the security to be given, shall have reference to such value as well as to the value of the other estate of the deceased.

(5) Sections 61 and 62 of *The Surrogate Courts Act* are hereby amended by inserting the words "real and," before the word "personal," wherever that word occurs in the said sections. R. S. O. c. 46, ss. 61 and 62, amended.

(6) The fees payable on proceedings under the said Act, shall, as hitherto, be based on the amount of what before this Act was personal property. Fees.

5. The real and personal property of a married woman in respect of which she has died intestate, shall be distributed as follows: one-third to her husband if she leave issue, and one-half if she leave none; and subject thereto, shall go and devolve as if her husband had pre-deceased her. Distribution of property of married woman dying intestate.

6. When a person shall die without leaving issue, and intestate as to the whole or any part of his real or personal property, his father surviving shall not be entitled to any greater share under the intestacy than his mother or any brother or sister surviving; nor shall a grand-father or grand-mother of a person dying intestate share in competition with a surviving father, mother, brother or sister. Distribution of estate of person dying intestate and without issue.

7. The real and personal property of a deceased person comprised in any residuary devise or bequest shall (except so far as a contrary intention shall appear from his will or any codicil thereto) be applicable ratably, according to their respective values, to the payment of his debts. Application of property in payment of debts.

8.—(1) Where infants are concerned in real estate which but for this Act would not devolve on executors or administrators, no sale or conveyance shall be valid under this Act without the written consent or approval of the Official Guardian of infants appointed under *The Ontario Judicature Act, 1881*, or in the absence of such consent or approval without an order of the High Court of Justice. Sale of infants' estate.

(2) The High Court of Justice may appoint the Local Judge of any county or the Local Master therein, as Local Guardian of Infants, in such county during the pleasure of the Court, with authority to give such written consent or approval as aforesaid instead of the Official Guardian; and the Official Guardian and Local Guardian shall be subject to such general orders as the said High Court may from time to time make in regard to their authority and duty under this Act. Local Guardians in outer counties.

9. (Subject as hereinbefore provided,) the legal personal representatives from time to time of a deceased person shall have power to dispose of and otherwise deal with all real property vested in them by virtue of this Act, with all the like incidents, but subject to all the like rights, equities, and obligations, as if the same were personal property vested in them. Power of personal representative over real property.

CHAPTER 23.

An Act to facilitate the Quieting of Titles where the Land Titles Act is not in force.

[Assented to 25th March, 1886.]

HER MAJESTY by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

Power of judge or referee under R. S. O. c. 110.

1. A Judge or a Referee under *The Quieting Titles Act* shall, in respect of any petition before him, have the like powers as the Master of Titles has under *The Land Titles Act*.

Rules and procedure under 48 V. c. 22, to apply proceedings under R. S. O. c. 110.

2. The rules and procedure enacted by *The Land Titles Act*, or by any rules hereafter made, shall apply, so far as may be, to proceedings under the said *Quieting Titles Act*. This does not include any rules to be hereafter made which shall thereby be declared not so to apply.

Time for registry of certificate under R. S. O. c. 110, s. 6.

3. It shall not be necessary to register a preliminary certificate under section 6 of the said *Quieting Titles Act* immediately on the petition being filed, but such certificate shall be filed prior to a Certificate of Title being granted; and the certificate of the Registrar of the County, as to instruments registered affecting the land, shall be subsequently continued so as to include such preliminary certificate.

Supervision over referees.

4. Nothing herein contained shall be construed to dispense with supervision over referees by the Inspector of Titles, or to prevent further rules being enacted in respect thereof.

R. S. O. c. 110, s. 26, amended.

5. Section 26 of *The Quieting Titles Act* is hereby amended by adding after sub-section (d) the following words:

(e) Any public highway, any right of way, water-course and right of water, and other easements.

(f) Any right of the wife or husband of the applicant to dower or curtesy (as the case may be) in case of surviving such applicant.

Application of Act.

6. This Act shall not apply to the City of Toronto or County of York.

CHAPTER 24.

An Act to amend the Registry Act.

[Assented to 25th March, 1886.]

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. The following section, shall be added to, and form part of *The Registry Act*, and shall follow immediately after section 66 of the said Act: R. S. O. c. 111, amended.

66a. Any instrument which has been registered by memorial prior to the 1st day of January, 1866, may be re-registered at full length, and shall be so re-registered by the Registrar in whose office such memorial is deposited, on the production to him of such instrument, with the certificate of registration indorsed thereon, and on payment of his proper fees, as provided by this Act, and the Registrar, shall indorse upon such original a certificate of such re-registration, as provided by Schedule G to this Act. Registration of instruments in full when memorials previously registered.

2. Where any instrument, signed or executed by any person by attorney, shall hereafter be registered, it shall be the duty of the Registrar on registration thereof to enter a note of the fact of such signature or execution by attorney, giving the name of the attorney or attorneys, as the case may be, on the abstract indices, and on all abstracts of title thereafter furnished by him relating to the lands affected thereby. Special entry to be made when instrument executed by attorney.

CHAPTER 25.

An Act to amend the Act Respecting Assignments for the Benefit of Creditors.

[Assented to 25th March, 1886.]

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. Sub-section 2, of section 3, of *The Act Respecting Assignments for the Benefit of Creditors* is amended by adding to the said sub-section the following words:— 48 V. c. 26, s. 3 amended.

“Nor shall anything herein contained affect any payment of money to a creditor, where such creditor by reason or on account of Certain assignments to be valid.

of such payment, has lost or been deprived of, or has in good faith given up, any valid security which he held for the payment of the debt so paid, unless the value of the security is restored to the creditor.

“Nor shall anything herein contained invalidate a security given to a creditor for a pre-existing debt where by reason or on account of the giving of the security, an advance in money is made to the debtor by the creditor, in the *bona fide* belief that the advance will enable the debtor to continue his trade or business, and to pay his debts in full.”

48 V. c. 26,
s. 9 amended.

2. Section 9 is amended by adding thereto the following words, “subject to the lien, if any, of an execution creditor for his costs where there is but one execution in the sheriff’s hands, or to the lien, if any of the creditor for his costs who has the first execution in the sheriff’s hands.”

48 V. c. 26,
s. 12, amended.

3. Section 12 of the said Act is amended by adding thereto the following sub-section :

(3) In provisional judicial districts, and territorial districts, and in the temporary judicial district of Nipissing, the counterpart or copy of the assignment shall be filed in the same office and within the same time respectively, as mortgages and other instruments are directed to be filed in such districts, under the provisions of sections 17, 18 and 19, of *The Act respecting Mortgages and Sales of Personal Property*, and the clerk shall perform the same duties and have the same fees as clerks acting under sub-section 2 of the said section 12.

■state to vest
in assignee.

4. Where a new assignee is appointed under the said Act the estate shall forthwith vest in him without a conveyance or transfer. The new assignee may register an affidavit of his appointment in the office in which, under the said Act or under any Act passed during the present session, the original assignment was filed, such an affidavit may also be registered under *The Registry Act*. The registration of the affidavit under *The Registry Act* shall have the same effect as the registration of a conveyance.

48 V. c. 26,
s. 12, amended.

5. Section 12 of the said Act is hereby amended by inserting the words: “at least once” after the word: “published” in the sixth line thereof, and by striking out the words “and the publication in each shall be continued therein for at least four times,” where the same occur at the end of the said section and substituting therefor the words: “not less than twice.”

▲accounts to
be prepared by
assignee.

6. Upon the expiration of one month from the first meeting of creditors, or as soon as may be after the expiration of such period and afterwards from time to time at intervals of not more than three months, the assignee shall prepare and keep constantly accessible to the creditors accounts and state-
ments

ments of his doings as such assignee, and of the position of the estate ; and he shall declare dividends of the estate whenever the amount of money in his hands will justify a division thereof, and also whenever he is required by the inspectors.

7. So soon as a dividend sheet is prepared, notice thereof shall be given by letter posted to each creditor, inclosing an abstract of receipts and disbursements, shewing what interest has been received by him for moneys in his hands, together with a copy of the dividend sheet, noting thereon the claims objected to, and stating whether any reservation has or has not been made therefor ; and after the expiry of eight days from the day of mailing such notice, abstract and dividend sheet as aforesaid, dividends on all claims not objected to within that period shall be paid.

Notice of
dividend
sheet.

CHAPTER 26.

An Act to amend the Law respecting Compensation to the Families of Persons Killed by Accident and in Duels.

[Assented to 25th March, 1886.]

WHEREAS by the Act, chaptered 128 of the Revised Statutes of Ontario, and intituled *An Act respecting Compensation to the Families of Persons Killed by Accident and in Duels*, it is amongst other things provided, that every such action as therein mentioned, shall be for the benefit of the wife, husband, parent and child of the person whose death shall have been caused as therein mentioned, and shall be brought by and in the name of the executor or administrator of the person deceased ; and whereas it may happen by reason of the inability or default of any person to obtain probate of the will or letters of administration of the personal estate and effects of the person deceased, or by reason of the unwillingness or neglect of the executor or administrator of the person deceased to bring such action as aforesaid, that the person or persons entitled to the benefit of the said Act may be deprived thereof ; and it is expedient to amend and extend the said Act as hereinafter mentioned ;

Preamble.

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows :—

1. If, and so often as it shall happen at any time or times hereafter in any of the cases intended and provided for by the said Act, that there shall be no executor or administrator of the person so deceased, or that there being such executor or administrator,

Where no
action
brought with-
in six months
by executors
of person kill-

ed, then action may be brought by persons beneficially interested in result of action.

administrator, no such action as in the said Act mentioned, shall, within six calendar months after the death of such deceased person as therein mentioned, have been brought by and in the name of his or her executor or administrator, then and in every such case, such action may be brought by and in the name or names of all or any of the persons (if more than one) for whose benefit such action would have been, if it had been brought by and in the name of such executor or administrator; and every action so to be brought, shall be for the benefit of the same person or persons, and shall be subject to the same regulations and procedure, as nearly as may be, as if it were brought by and in the name of such executor or administrator.

Money paid into court may be paid in one sum without regard to its division into shares. If not accepted defendant entitled to verdict on issue as to sufficiency if judge or jury think it sufficient.

2. And whereas by section 3 of the said Act it is provided that the judge or jury may give such damages as they may think proportioned to the injury resulting from such death to the parties respectively for whom and whose benefit such action shall be brought, and the amount so recovered, after deducting the costs not recovered from the defendant, shall be divided between the before-mentioned parties in such shares as the judge or jury shall by their verdict direct; be it enacted and declared, that it shall be sufficient, if the defendant is advised to pay money into court, that he pay it as a compensation in one sum to all persons entitled under the said Act for his wrongful act, neglect or default, without specifying the shares into which it is to be divided by the judge or jury; and if the said sum be not accepted, and an issue is taken by the plaintiff as to its sufficiency, and the judge or jury shall think the same sufficient, the defendant shall be entitled to the verdict upon that issue.

This Act and R. S. O. c. 128, to be read as one.

3. This Act and the said Act shall be read together as one Act.

CHAPTER 27.

An Act to amend the Revised Statute respecting Master and Servant.

[Assented to 25th March, 1886.]

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

R. S. O. c. 133, s. 8, repealed.

1. Section 8 of chapter 133 of the Revised Statutes of Ontario is hereby repealed and the following substituted therefor:

Agreements made with residents out

8. Any agreement or bargain, verbal or written, express or implied, which may hereafter be made between any person and

and any other person not a resident of Canada, for the performance of labour or service, or having reference to the performance of labour or service by such other person in the Province of Ontario, and made as aforesaid, previous to the migration or coming into Canada, of such other person whose labour or service is contracted for, shall be void and of no effect, as against the person only so migrating or coming.

of Ontario for
service therein
to be void.

2. Nothing in this Act shall be so construed as to prevent any person from engaging under contract or agreement skilled workmen, not resident in Canada, to perform labour in Ontario in or upon any new industry not at present established in Ontario, or any industry at present established if skilled labour for the purpose of the industry cannot be otherwise obtained; nor shall the provisions of this Act apply to teachers, professional actors, artists, lecturers, or singers.

Application of
Act limited.

CHAPTER 28.

An Act to secure Compensation to Workmen in certain cases.

[Assented to 25th March, 1886.]

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. This Act may be known and cited as "*The Workmen's compensation for injuries Act, 1886.*" Short title.

2. Unless otherwise declared or indicated by the context, wherever any of the following words or expressions occur in this Act, they shall have the meanings hereinafter expressed, that is to say: Interpretation.

1. The expression "person who has superintendence entrusted to him" means a person whose sole or principal duty is that of superintendence, and who is not ordinarily engaged in manual labour. "Person."

2. The expression "employer" includes a body of persons corporate or unincorporate. "Employer."

3. The expression "workman" does not include a domestic or menial servant, but, save as aforesaid, means any railway servant, and any person who being a labourer, servant in husbandry, journeyman, artificer, handicraftsman, miner, or otherwise engaged in manual labour, whether under the age of twenty-one years, or above that age, has entered into or works under "Workman."

under a contract with an employer, whether the contract be made before or after the passing of this Act, be express or implied, oral or in writing, and be a contract of service or a contract personally to execute any work or labour.

“Packing.”

4. The word “packing” shall mean a packing of wood or metal, or some other equally substantial and solid material, of not less than two inches in thickness, and which, where filled in, shall extend to within one and a-half inches of the crown of the rails in use on any railway, shall be neatly fitted so as to come against the web of such rails, and shall be well and solidly fastened to the ties on which such rails are laid.

When workman to have claim against employer.

3. Where, after the commencement of this Act, personal injury is caused to a workman—

1. By reason of any defect in the condition of the ways, works, machinery or plant connected with or used in the business of the employer ; or

2. By reason of the negligence of any person in the service of the employer who has any superintendence entrusted to him whilst in the exercise of such superintendence ; or

3. By reason of the negligence of any person in the service of the employer to whose orders or directions the workman at the time of the injury was bound to conform and did conform, where such injury resulted from his having so conformed ; or

4. By reason of the act or omission of any person in the service of the employer done or made in obedience to the rules or by-laws of the employer, or in obedience to particular instructions given by any person delegated with the authority of the employer in that behalf ; or

5. By reason of the negligence of any person in the service of the employer who has the charge or control of any signal-points, locomotive, engine, or train upon a railway ;

the workman, or, in case the injury results in death, the legal personal representatives of the workman, and any persons entitled in case of death, shall have the same right of compensation and remedies against the employer as if the workman had not been a workman of, nor in the service of the employer, nor engaged in his work.

Injuries by railways.

4. Where within this Province personal injury is caused to a workman employed on or about any railway,

1. By reason of the lower beams or members of the superstructure of any highway, or other overhead bridge, or any other erection or structure over said railway, not being of a sufficient height from the surface

surface of the rails to admit of an open and clear headway of at least seven feet between the top of the highest freight cars then running on such railway, and the bottom of such lower beams or members; or,

2. By reason of the space between the rails in any railway frog, extending from the point of such frog backward to where the heads of such rails are not less than five inches apart, not being filled in with packing; or,
3. By reason of the space between any wing-rail and any railway frog, and between any guard-rail and any other rail fixed and used alongside thereof as aforesaid, and between all wing-rails where no other rail intervenes, (save only where the space between the heads of any such wing-rail and railway frog as aforesaid, or between the heads of any such guard-rail and any other rail fixed and used alongside thereof as aforesaid, or between the heads of any such wing-rails where no other rail intervenes as aforesaid, is either less than one and three-quarters of an inch or more than five inches in width), not being at all times during every month of April, May, June, July, August, September and October, filled in with packing;

such injury shall be deemed and taken to have been caused by reason of a defect within the meaning of sub-section 1 of section 3 of this Act. But nothing in this section contained shall be taken or construed, as in any respect, or for any purpose restricting the meaning of said sub-section.

5. A workman shall not be entitled under this Act to any right of compensation or remedy against the employer in any of the following cases, that is to say :

Exceptions to preceding provisions.

1. Under sub-section 1 of section 3, unless the defect therein mentioned arose from or had not been discovered or remedied owing to the negligence of the employer or of some person in the service of the employer, and entrusted by him with the duty of seeing that the ways, works, machinery or plant were in proper condition.

2. Under sub-section 4 of section 3, unless the injury resulted from some impropriety or defect in the rules, by-laws, or instructions therein mentioned; provided, that where a rule or by-law has been approved, or has been accepted as a proper rule or by-law, either by the Lieutenant-Governor in Council, or under and pursuant to any provision in that behalf of any Act of the Legislature of Ontario, or of the Parliament of Canada, it shall not be deemed for the purposes of this Act to be an improper or defective rule or by-law.

3.

3. In any case where the workman knew of the defect or negligence which caused his injury, and failed within a reasonable time to give or cause to be given information thereof to the employer or some person superior to himself in the service of the employer, unless he was aware that the employer or such superior already knew of the said defect or negligence.

Limit of
amount of
compensation.

6. The amount of compensation recoverable under this Act shall not exceed such sum as may be found to be equivalent to the estimated earnings, during the three years preceding the injury of a person in the same grade employed during those years in the like employment within this Province; and such compensation shall not be subject to any deduction or abatement, by reason, or on account, or in respect of any matter or thing whatsoever, save such as is specially provided for in section 9 of this Act.

Limit of time
for recovery of
compensation.

7. An action for the recovery under this Act of compensation for an injury shall not be maintainable unless notice that injury has been sustained is given within twelve weeks, and the action is commenced within six months from the occurrence of the accident causing the injury, or in case of death within twelve months from the time of death; provided always that in case of death the want of such notice shall be no bar to the maintenance of such action, if the judge shall be of opinion that there was reasonable excuse for such want of notice.

Contract by
workman not
to constitute a
defence to
action for
compensation.

8. No contract or agreement made or entered into by a workman shall be a bar or constitute any defence to an action for the recovery under this Act of compensation for any injury,

1. Unless for such workman entering into or making such contract or agreement there was other consideration than that of his being taken into or continued in the employment of the defendant; nor
2. Unless such other consideration was in the opinion of the court or judge before whom such action is tried, ample and adequate; nor
3. Unless, in the opinion of said court or judge, such contract or agreement, in view of such other consideration was not on the part of the workman, improvident, but was just and reasonable;

and the burthen of proof in respect of such other consideration, and of the same being ample and adequate, as aforesaid, and that said contract was just and reasonable and was not improvident as aforesaid, shall, in all cases, rest upon the defendant; provided always that notwithstanding anything in this section contained, no contract or agreement whatsoever made or entered into by a workman shall be a bar or constitute any defence to an action for the recovery under this Act of compensation

pensation for any injury happening or caused by reason of any of the matters mentioned in section 4 of this Act.

9. There shall be deducted from any compensation awarded to any workman or representatives of a workman, or persons claiming by, under, or through a workman in respect of any cause of action arising under this Act, any penalty or damages, or part of a penalty or damages which may in pursuance of any other Act, either of the Parliament of Canada, or of the Legislature of Ontario, have been paid to such workman, representatives or persons in respect of the same cause of action; and where an action has been brought under this Act by any workman, or the representatives of any workman, or any persons claiming by, under, or through such workman, for compensation in respect of any cause of action arising under this Act, and payment has not previously been made of any penalty or damages, or part of a penalty or damages under any such Act, either of the said Parliament, or of the said Legislature, in respect of the same cause of action, such workman, representatives or persons shall not, so far as the said Legislature has power so to enact, be entitled thereafter to receive in respect of the same cause of action, any such penalty or damages, or part of a penalty or damages, under any such last-mentioned Act.

Money payable under penalty to be deducted from compensation.

10.—(1) Notice in respect of an injury under this Act shall give the name and address of the person injured, and shall state in ordinary language the cause of the injury and the date at which it was sustained, and shall be served on the employer, or if there is more than one employer, upon one of such employers.

Form and service of notice of injury.

(2) The notice may be served by delivering the same to or at the residence or place of business of the person on whom it is to be served.

(3) The notice may also be served by post, by a registered letter addressed to the person on whom it is to be served at his last known place of residence or place of business, and if served by post shall be deemed to have been served at the time when a letter containing the same would be delivered in the ordinary course of post, and in proving the service of such notice it shall be sufficient to prove that the notice was properly addressed and registered.

(4) Where the employer is a body of persons corporate or unincorporate the notice shall be served by delivering the same at or by sending it by post in a registered letter addressed to the office, or if there be more than one office, any one of the offices of such body.

(5) A notice under this section shall not be deemed invalid by reason of any defect or inaccuracy therein, unless the Judge who tries the action arising from the injury mentioned in the notice

notice shall be of opinion that the defendant in the action is prejudiced in his defence by such defect or inaccuracy, and that the defect or inaccuracy was for the purpose of misleading.

(6) A notice under this section shall be deemed sufficient if in the form or to the effect following:—

To A. B., of *(here insert employer's address)*
or To the Company, *(or as the case may be.)*

Take notice, that on the day of 188 C. D., of *(insert address of injured person)* a workman in your employment sustained personal injury, *(add, of which he died, if such be the case,)* and that such injury was caused by *(state shortly the cause of injury, e.g., the fall of a beam.)*

(Date.)

Yours, etc.,

X. Y.

Particulars of demand.

11. In any action brought under this Act the particulars of demand or statement of claim shall state in ordinary language the cause of the injury, and the date at which it was sustained, and the amount of compensation claimed; and where the action is brought by more than one plaintiff, the amount of compensation claimed by each plaintiff, and where the injury of which the plaintiff complains shall have arisen by reason of the negligence, act, or omission of any person in the service of the defendant, the particulars shall give the name and description of such person.

Appointment of assessors.

12.—(1) Upon the trial of any action for recovery of compensation under this Act before a Judge without a jury, one or more assessors may be appointed by the Court or Judge for the purpose of ascertaining the amount of compensation, and the remuneration (if any) to be paid to such assessors shall be fixed and determined by the Judge at the trial.

(2) Any person who shall, as hereinafter provided, be appointed to act as an assessor in such action, shall be qualified so to act.

(3) In any such action, a party who desires assessors to be appointed shall, ten clear days at least before the day for holding the Court at which the action is to be tried, file an application stating the number of assessors he proposes to be appointed, and the names, addresses and occupations of the persons who may have expressed their willingness in writing to act as assessors. If the applicant has obtained the consent of the other party to the persons named being appointed, he shall file such consent with his application.

(4) Where the application for the appointment of assessors has been made by one party to an action only, he shall, eight clear days at least before the day for holding the Court at which the action is to be tried, serve a copy of the application, so filed, upon the other party, who may then either file an application

application for assessors, or file objections to one or more of the persons proposed.

(5) An application for the appointment of assessors may be in the form following, or to the like effect, namely:—

In the (*describing the Court*)

“The Workmen’s Compensation for Injuries Act, 1886.”

BETWEEN,

Plaintiff,
Defendant.

The plaintiff (*or* defendant) applies to have an assessor (*or* assessors) appointed to assist the Court in ascertaining the amount of compensation to be awarded to the plaintiff, should the judgment be in his favour, and he submits the names of the following persons, who have expressed their willingness in writing to act as assessors should they be appointed.

(*Here set out the names, addresses and occupations of the persons above referred to.*)

(*If the other party consents to the appointment add the following*):—

The defendant (*or* plaintiff) consents to the appointment of any of the persons above named to act as assessors in this action, as appears by his consent thereto filed herewith.

Dated this day of

A. B.

The above named plaintiff, (*or as the case may be.*)

(6) Where separate applications are filed by the parties, no objection to the persons proposed shall be made by either party, but the Court or Judge may appoint from the persons named in each application one or more assessor or assessors, provided that the same number of assessors be appointed from the names given in such applications respectively.

(7) In any such action brought in a Division Court the applications for the appointment of assessors, together with any objections made to the persons proposed, shall be forwarded by the clerk of the Court to the Judge.

(8) Where application for the appointment of assessors is granted, the Court or Judge shall appoint such of the persons proposed for assessors as by the Court or Judge may be deemed fit, subject to the provisions contained in this Act.

(9) In any such action where an application for the appointment of assessors has been filed, the Court or Judge may, at any time prior to the trial thereof, nominate one or more additional persons to act as assessors in the action. Where no application for assessors has been made, the Court or Judge may appoint any one or more persons to act as assessor or assessors in the action before or on the trial of the action.

(10) If at the time and place appointed for the trial all or any of the assessors appointed shall not attend, the Court or Judge may either proceed to try the action with the assistance of such of the assessors, if any, as shall attend, or may adjourn the trial generally, or upon any terms which the Court or Judge may

may think fit, or may appoint any person who may be available and who is willing to act, and who is not objected to, or who, if objected to is objected to on some insufficient ground, or the Court or Judge may try the action without assessors.

(11) Every person requiring the Court or Judge to be assisted by assessors shall at the time of filing his application deposit therewith the sum of \$4 for each assessor proposed, and such payments shall be considered as costs in the action, unless otherwise ordered by the Court or Judge: Provided, that where a person proposed as an assessor shall have in writing agreed and consented that he will not require his remuneration to be so deposited, no deposit in respect of such person shall be required.

(12) Where an action shall be tried by the Court or Judge with the assistance of any assessors in addition to or independently of any assessors proposed by the parties, the remuneration of such assessors shall be borne by the parties, or either of them, as the Judge or Court shall direct.

(13) If after an assessor has been appointed the action shall not be tried, the Court or Judge shall have power to make an allowance to him in respect of any expense or trouble which he may have incurred by reason of his appointment, and direct the payment to be made out of any sum deposited for his remuneration.

(14) The assessors shall sit with and assist the Court or Judge when required with their opinion and special knowledge for the purpose of ascertaining the amount of compensation, if any, which the plaintiff shall be entitled to recover.

Consolidation
of actions.

13.—(1) Where several actions shall be brought under this Act against a defendant in the same Court in respect of the same negligence, act or omission, the defendant shall be at liberty to apply to the Judge that the said actions shall be consolidated.

(2) Applications for consolidation of actions shall be made upon notice to the plaintiffs affected by such consolidation.

(3) In case several actions shall be brought under this Act against a defendant in the same Court in respect of the same negligence, act or omission, the defendant may, on filing an undertaking to be bound so far as his liability for such negligence, act or omission is concerned by the decision in such one of the said actions as may be selected by the Court or Judge, apply to the Court or Judge for an order to stay the proceedings in the actions other than in the one so selected, until judgment is given in such selected action.

(4) Applications for stay of proceedings shall be made upon notice to the plaintiffs affected by stay of proceedings or *ex parte*.

(5)

(5) Upon the hearing of any application for consolidation of actions or for stay of proceedings, the Court or Judge shall have power to impose such terms and conditions and make such order in the matter as may be just.

(6) If any order shall be made by a Court or Judge upon an *ex parte* application to stay proceedings, it shall be competent to the plaintiffs affected by such order to apply to the Court or Judge (as the case may be) upon notice or *ex parte*, to vary or discharge the order so made, and upon such last-mentioned application such order shall be made as the Court or Judge shall think fit, and the Court or Judge shall have power to dispose of the costs occasioned by such order or orders as may be deemed right.

(7) In case a verdict in the selected action shall be given against the defendant, the plaintiffs in the actions stayed shall be at liberty to proceed for the purpose of ascertaining and recovering their damages and costs.

(8) A defendant may by notice to the opposite party to be given or served at least six days before the day appointed for the trial of the action, admit the truth of any statement of his liability for any alleged negligence, act or omission as set forth or contained in the plaintiff's statement or particulars of claim in the action, and after such notice given the plaintiff shall not be allowed any expense thereafter incurred for the purpose of proving the matters so admitted.

(9) Where two or more persons are joined as plaintiffs under sub-section 1 of this section, and the negligence, act or omission which is the cause of action shall be proved, the judgment shall be for all the plaintiffs, but the amount of compensation, if any, that each plaintiff is entitled to shall be separately found and set forth in the judgment, and the amount of costs awarded in the action shall be ordered to be paid to such person, and in such manner as the Court or Judge may think fit; should the defendant fail to pay the several amounts of compensation and the costs awarded in the action, execution may issue as in an ordinary action, and should the proceeds of the execution be insufficient, after deducting all costs, to pay the whole of the amounts awarded, a dividend shall be paid to each plaintiff, calculated upon the proportion of the amount which shall have been awarded to the respective plaintiffs to the total amount realized after the deduction of all the costs of the action as aforesaid.

14. Where the time for doing any act, taking any proceeding, or giving any notice under or required by this Act expires on a Sunday such act, or proceeding, or notice shall, so far as regards the time of doing, taking or giving the same, be held to be duly and sufficiently done, taken or given, if done, taken or given, on the day next following such Sunday.

Computation
of time.

Forms and
rules.

15. In any action brought in any Court to recover compensation under this Act, the forms and methods, and the rules and orders in force in Court shall, subject to and save as otherwise provided by the terms and provisions of this Act, apply to and regulate all matters of pleading, practice and procedure in such action, and notwithstanding anything in this Act contained, the forms and method, and the pleadings, practice and procedure in any such action shall conform to and be regulated by any rules or orders in that behalf hereafter lawfully and duly made or prescribed with respect to actions brought in any such Court.

Commence-
ment of Act.

16. This Act shall not come into operation until the first day of July next after the passing hereof which date is in this Act referred to as the commencement of this Act.

Application of
Act limited.

17. Whereas certain railway companies, some of which carry on operations partly within the Province and partly without, have, in accordance with the provisions of certain Acts of the Parliament of Canada, established insurance and provident societies or associations to provide and secure, in cases of sickness, accident or death, aid to such of the employees of the companies as are members of such societies or associations; and whereas it is desirable that nothing in this Act contained should have the effect of impairing the advantages derivable from any such association, or of making its operations less beneficial to the workmen employed by such companies; and whereas with a view to enactment of any safe and proper provisions which may be necessary in the premises, it is desirable that time should be afforded for further and more complete inquiry in that behalf: Therefore, it is hereby enacted that, where any railway company or employer has, in accordance with the provisions of any Act of the Parliament of Canada, or otherwise, established an insurance and provident society or association, of which at least two-thirds of the employees of said company or employer shall have become members, and which society or association, shall provide for its members aid in case of sickness, accident or death, to at least the extent and amount provided and secured in that respect by the insurance and provident society or association now established by the Grand Trunk Railway Company of Canada, in accordance with the provisions of certain Acts of the Parliament of Canada, then and in every such case this Act shall not, until after the lapse of one year from and after the commencement thereof, apply to any such railway company or employer: provided, however, that notwithstanding anything in this section contained, this Act shall be held to apply to every such railway company and employer in respect of any personal injury caused to a workman by reason of any of the matters mentioned in section 4 of this Act, and in respect of any action for the recovery of compensation for any such last mentioned injury.

CHAPTER 29.

An Act respecting Landlords and Tenants and Distress.

[Assented to 25th March, 1886.]

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. In every demise hereafter made or entered into, whether by parol or in writing, unless it shall be otherwise agreed, there shall be deemed to be included an agreement that if the rent reserved, or any part thereof, shall remain unpaid for fifteen days after any of the days on which the same ought to have been paid, although no formal demand shall have been made thereof, it shall be lawful for the landlord, at any time thereafter into and upon the demised premises, or any part thereof, in the name of the whole to re-enter and the same to have again, repossess, and enjoy as of his former estate.

Right of re-entry.

2. Where any person being under the age of twenty-one years, or a lunatic, or person of unsound mind, shall be seised of the reversion of land subject to a lease, and such lease shall contain a covenant not to assign or sublet without leave, the guardian of such infant, or the committee of such lunatic, or person of unsound mind may, with the approbation of the Judge of the Surrogate Court of the county in which the land is situate, consent to any assignment or transfer of such leasehold interest, in the same manner and with the like effect as if the consent were given by a lessor under no disability.

Assignments by persons under disability.

3. The right of a mortgagee to distrain for interest in arrear upon a mortgage, shall be limited to the goods and chattels of the mortgagor, and as to such goods and chattels, to such only as are not exempt from seizure under execution. This section shall not apply to existing mortgages.

Right of mortgagee to distrain limited.

CHAPTER 30.

An Act to amend the Act Respecting Dentistry.

[Assented to 25th March, 1886.]

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

PART I.

1. Section 9 of *The Act Respecting Dentistry*, chapter 144 R. S. O. c. 144, of s. 9, amended.

of the Revised Statutes of Ontario is hereby amended by inserting therein after the words: "entering the profession" in the third line thereof, the words: "or may accept in lieu of such matriculation or preliminary examination, evidence that any student has passed any other satisfactory examination."

R. S. O. c. 144,
s. 13, amended.

2. Section 13 of the said Act, is hereby amended by inserting therein after the word: "government" in the third line thereof, the word "discipline."

R. S. O. c. 144,
s. 15, amended.

3. Section 15 of the said Act, is hereby amended by inserting therein after the words: "first Tuesday in March," in the sixth line thereof the words: "or such other time as the Board may by by-law appoint."

R. S. O. c. 144,
s. 16, amended.

4. Section 16 of the said Act, is hereby amended by adding thereto the words; "or on such other day as shall be appointed by the Board as aforesaid."

R. S. O. c. 144,
s. 20, amended.

5. Section 20 of the said Act is hereby amended by inserting after the words "profession of dentistry" in the second and third lines thereof, the words: "or perform any dental operation on, or prescribe any dental treatment for any patient," and by inserting after the words: "hope of reward" in the third line thereof, the words: "by way of fees, salary, rent, per-centage of receipts, or in any other form whatever," and by striking out the word, "section" in the second line of sub-section 2 of said section, and inserting in lieu thereof, the word: "Act," and by adding to the said section a sub-section in the words following:

(3) Provided that this section shall not prevent any duly indentured and registered student of dentistry from receiving clinical instruction and practice under the personal supervision of a member of the said College.

R. S. O. c. 144,
s. 26, amended.

6. Section 26 of the said Act, is hereby amended by striking out the words: "of the twentieth section" in the first and second lines thereof, and by inserting after the words: "of this Act" in the second line thereof, the words: "or any amending Act."

Power to hold
real estate.

7. The Royal College of Dental Surgeons of Ontario shall have power to acquire and hold real estate not exceeding at any time in annual value \$5,000, and the said College may alienate, exchange, mortgage, incumber, lease or otherwise charge or dispose of the same, or any part thereof, as occasion may require, and may erect buildings for the purpose of accommodating lecturers on dentistry, or for a library, dental museum, or specimen room, or for other purposes, for the use of the members of the said College.

8. No such alienation, exchange, mortgage, incumbrance, lease, charge or disposition, shall be made, given or effected, except with the consent of the Board of Directors, which consent, shall be signified by the votes of a majority of the members present at a meeting of the Board duly called for that purpose; and notice of such meeting shall be given to each member of the said Board, by letter mailed to his last registered address, seven days before the day appointed for such meeting, and such notice shall state the object of such meeting. The President and Secretary shall have power to affix the corporate seal of the said College to any instrument necessary to carry out the intention of the said Board.

Consent to
alienation,
etc., required.

9. The Royal College of Dental Surgeons, of Ontario, may subject to the approval of the Lieutenant-Governor in Council make arrangements with any University or College in Ontario, for the attendance of students of the Royal College of Dental Surgeons at such lectures or classes in any such University or College, as may come within the course or subjects of instruction prescribed by the rules, by-laws, and regulations of the said, the Royal College of Dental Surgeons of Ontario, and may, subject as aforesaid, agree with any such University or College, for the use of any library, museum, or property belonging to, or under the control of, such University or College, and may affiliate with any such University or College, and may enter into all arrangements necessary for such end, upon such terms as may be agreed upon.

Arrangements
for education
of students.

10. This Act shall be read as part of *The Act Respecting Dentistry*, being chapter 144 of the Revised Statutes of Ontario.

Act to be read
as part of R.
S. O. c. 144.

PART II.

11. Section 1 of the said Act is hereby amended by inserting after the words: "or this Act" in the sixth and seventh lines thereof, the words: "and who is registered under this Act."

R. S. O. c. 144,
s. 1, amended.

12. Section 3 of the said Act is hereby amended by adding at the end thereof, the words: "and who are at the date of such election duly registered under this Act."

R. S. O. c. 144,
s. 3, amended.

13. Section 10 of the said Act, is hereby amended by inserting after the words: "duly licensed" in the fifth line thereof, the words: "and registered."

R. S. O. c. 144,
s. 10, amended.

14. Section 17 of the said Act is hereby amended by inserting after the words: "of this Act," in the seventh line thereof, the words: "subject, however, to the provisions of this Act respecting registration."

R. S. O. c. 144,
s. 17, amended.

15. Section 19 of the said Act, is hereby repealed and the following substituted therefor:

R. S. O. c. 144,
s. 19, repealed.

19. The Registrar of the said Board shall, on or before the first day of February, in each and every year, enclose to the Provincial Secretary a certified list of the names of all persons then registered as members of the College for the then current year.

R. S. O. c. 144,
s. 20, amended. **16.** Section 20 of the said Act, is hereby amended by inserting after the words: "is not a" in the first line thereof, the words: "duly registered."

R. S. O. c. 144,
s. 25, amended. **17.** Section 25 of the said Act, is hereby amended by inserting after the words: "that the defendant is" in the second line thereof, the words: "a duly registered member of the Royal College of Dental Surgeons of Ontario, and is."

Register. **18.** It shall be the duty of the Registrar as early as possible in each year, to make a correct register in the form of Schedule A hereto, of the names and addresses of all persons who may be entitled to be registered under this Act as members of the said College for the then current year.

Qualification
for and mode
of registry. **19.** There shall be payable to the Registrar of the said College for the uses of the College in each year by every person registered or desiring to be registered under this Act and practising the profession of Dentistry, the sum of \$3, and any person holding a valid and unforfeited certificate of license to practise dentistry under the provisions of the Revised Act, chapter 144, and who on or before the fifteenth day of January in any year shall have paid to the said Registrar a registration fee of \$3, or who, (having during the then current year, obtained a certificate of license from the said College to practise the profession of dentistry), forthwith pays to the said Registrar a registration fee of \$3, shall, (subject to the other provisions of this Act), be entitled to have his name entered in the register referred to in the next preceding section of this Act, and a copy of such register certified by the Registrar shall be evidence in any Court of Justice in Ontario that the persons therein named are the members of the said College for the said year.

Evidence for
entry on
register. **20.**—(1) No person shall be entitled to have his name on the said register, unless the Registrar is satisfied by proper evidence that such person is entitled to be registered, and any appeal from a decision of the Registrar shall be decided by the Court of Directors of said College.

(2) If it shall at any time be proved to the satisfaction of the said Board, that the name of any person has been improperly inserted in the register for the year, such name may be erased therefrom by order of the said Board.

Erasing names
from register. **21.**—(1) Wherever any registered practitioner under this Act has either before or after the passing of this Act and either

either before or after he is so registered, been convicted either in Her Majesty's dominions or elsewhere of an offence, which if committed in Canada would be a felony or misdemeanor, or been guilty of any infamous or disgraceful conduct in a professional respect, such practitioner shall be liable to have his name erased from the register.

(2) The Board of Directors may, and upon the application of any two practitioners registered under this Act, shall cause an inquiry to be made into the case of a person alleged to be liable to have his name erased under this section and on proof of such conviction or of such infamous or disgraceful conduct, shall cause the name of such person to be erased from the register; provided, that the name of a person shall not be erased, under this section on account of his adopting, or refraining from adopting the practice of any particular theory of dentistry or dental surgery, nor on account of a conviction for a political offence out of Her Majesty's dominions, nor on account of a conviction for an offence which though within the provisions of this section ought not, either from the trivial nature of the offence, or from the circumstances under which it was committed, to disqualify a person for practising dentistry.

22.—(1) Where the Board of Directors direct the erasure from the dentist's register of the name of any person, or of any other entry, the name of that person, or that entry, shall not be again entered on the register, except by the direction of the Board of Directors, or by the order of a judge, or of a court of competent jurisdiction.

Restoring names to register.

(2) If the Board of Directors think fit in any case, they may direct the Registrar to restore to the register any name or entry erased therefrom either without fee or on payment of such fee, not exceeding the registration fee, as the Board may, from time to time fix, and the Registrar shall restore the same accordingly.

23. Every person having been registered under this Act, shall, on retiring from the practice of the profession of dentistry, give the Registrar of the said College notice in writing of the same, and in default thereof, he shall remain liable for his annual registration fee, provided that it shall be lawful for any such person to resume his practice as aforesaid, at any time after retiring therefrom as aforesaid, upon giving notice in writing to the Registrar of the College, of his intention to do, and upon payment to him of the proper registration fee prescribed by section 19 of this Act.

Person retiring from practice to notify registrar.

24. Any person registered under this Act, and no other person, shall be entitled to practise the profession of dentistry, and no person shall be entitled to any of the privileges of a licentiate or member of the said College, or to practise the profession of dentistry, who is in default in respect to any fees payable by him by virtue of this Act.

Registered persons only entitled to practise.

Certificate
on registra-
tion.

25. Upon any person being registered under this Act, he shall be entitled to receive a certificate under the corporate seal of the said College, and signed by the Registrar, in the form of Schedule B to this Act, or to the like effect.

Certificate to
be publicly
displayed.

26. Every person practising the profession of dentistry, shall display his certificate of registration in a conspicuous position in his place of business.

When pro-
visions as to
registration
to come in
force.

27. Part II. of this Act shall not come into force until after a certificate under the hand of the Secretary of the College has been filed in the office of the Provincial Secretary, certifying that at a meeting of the Board held after the election of Directors upon the third Tuesday in July, 1886, a resolution was passed that Part II. of this Act ought to come into force, and thereupon the said Part II. of this Act shall come into force on the first day of August next after the filing of said certificate. Notice of the filing of such certificate shall be immediately published in the *Ontario Gazette*.

SCHEDULE A.

NAME.	Residence.	Qualification.
A.B.....	Toronto	Certificate of License, March 6th, 1883.
C.D.....	Orangeville	5 years' practice prior to March 4th, 1868, (31 V. c. 37, s. 12).
E.F.....	Belleville	Special Examination under R. S. O. c. 144, s. 14.

SCHEDULE B.

I hereby certify that C. D. being the holder of a certificate of license to practise the profession of dentistry from the Royal College of Dental Surgeons of Ontario, was on the _____ day of _____ 188____, duly registered as a member of the Royal College of Dental Surgeons of Ontario, and is authorized to practise his said profession up to the 31st day of December, 188____; subject to the provisions of sections 20, 21 and 22, of the Act 49 Victoriae, chapter _____

(Sgd.) E. F.

Registrar of the Royal College of
Dental Surgeons of Ontario.

Corporate Seal of the
R. C. D. S. Ont.

CHAPTER 31.

An Act to amend the Act Respecting the Incorporation of Joint Stock Companies by Letters Patent.

[Assented to 25th March, 1886.]

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. Section 150 of chapter 152 of the Revised Statutes of Ontario is hereby amended by adding to the said section the following: “provided always that any such municipal authority may purchase on the terms aforesaid and for the purpose aforesaid the stock of any such road company before the expiration of twenty-one years from the time of the completion of such road, but in such case allowance shall be made for any prospective profits which would be likely to accrue to the owners of such stock between the time of purchase and the expiration of twenty-one years from such completion.” R. S. O. c. 152,
s. 150,
amended.

CHAPTER 32.

An Act to amend the Act Respecting Joint Stock Companies for the Construction or Purchase of Roads and other Works.

[Assented to 25th March, 1886.]

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. Section 39 of chapter 152 of the Revised Statutes of Ontario is amended by adding thereto as sub-section (2) the following: R. S. O. c. 152,
s. 39, amended.

(2) One fourth part in value of the shareholders of the company shall, at all times have the right to require that a special meeting thereof, for the transaction of any business specified in such written requisition or notice shall be called, and the secretary upon receipt of such requisition or notice shall call a special meeting for the purpose of considering the matters and things in said requisition or notice specified. Calling of
special meet-
ing by share-
holders.

CHAPTER 33.

An Act to amend the Act respecting Joint Stock Companies for supplying Cities, Towns and Villages with Gas and Water.

[Assented to 25th March, 1886.]

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

R. S. O. c. 157,
s. 61, repealed.

1. Section 61 of chapter 157 of the Revised Statutes of Ontario is hereby repealed and the following substituted therefor:

Limit of
borrowing
powers.

61. The sum so borrowed shall not exceed the sum of \$40,000, to be expended in gas works, and the like sum for water works, for any Incorporated Village; and for any Town or City, to be expended in either gas or water works, the sums following: for any Town, the sum of \$80,000, and for any City, the sum of \$100,000.

CHAPTER 34.

An Act Respecting Building Societies.

[Assented to 25th March, 1886.]

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

Short title.

1. This Act may be cited as "*The Building Societies Act, 1886.*"

Issue of debenture stock authorized,

2. The directors of any building, savings society, or loan company, incorporated under chapter 164 of the Revised Statutes of Ontario, or any statute incorporated therewith, may issue debenture stock, which debenture stock shall be treated and considered as a part of the regular debenture debts of the society, and may be issued in such amounts and manner, on such terms and bearing such rate of interest, and in such currency as the directors, from time to time, think proper and convenient, but subject to the limitations, as to borrowing provided by law, so that the amount received as money deposits and borrowed on the security of debentures, or debenture stock, shall

shall not, in the whole exceed the aggregate amounts fixed by section 3, of chapter 29, of the Acts passed in the 47th year of Her Majesty's reign, as the authorized limit of the borrowing powers of the society.

3. The debenture stock aforesaid, shall be entered by the society in a register to be kept for that purpose, wherein they shall set forth the names and addresses of the several persons and corporations, from time to time entitled thereto, with the respective amounts of said stock to which they are respectively entitled, which register shall be accessible for inspection and perusal, at all reasonable times, to every holder of debenture stock; and such stock shall be transferable in such amounts and in such manner as the directors may determine.

Register of holders of debenture stock.

4. The society shall deliver to every holder aforesaid, a certificate stating the amount of debenture stock held by him and the rate of interest payable thereon, and the terms and conditions to which the said stock is subject; but no other rights or privileges shall be conferred on holders of debenture stock, in respect thereof, than are held or enjoyed by holders of debentures of the society.

Rights of holders of debenture stock.

5. All transfers of the debenture stock of the society shall be registered at the head office of the society and not elsewhere, but the said transfers may be left with such agent or agents in Great Britain or any foreign country, as the directors of the society may appoint for that purpose, for transmission to the head office of the society for registration.

Transfers.

6. The holders of the debentures of the society may, with the consent of the directors, at any time, exchange such debentures for debenture stock.

Exchange of debentures for debenture stock.

7. The debenture stock issued, or to be issued, under the authority of this Act, shall rank equally with the debentures issued or to be issued by the society.

Debenture stock to rank with debentures.

8. Any society having issued debenture stock, may from time to time, as they think fit, and for the interest of the society, but only with the consent of the holders thereof, buy up and cancel the said stock, or any portion thereof.

Right of society to buy up and cancel debenture stock.

9. The power to issue debenture stock under the provisions of this Act shall not be exercised by the directors of any building or savings society or loan company, without the consent of the members or shareholders present, at any general meeting specially called for that purpose.

Consent of shareholders required.

CHAPTER 35.

An Act respecting Mechanics' Institutes and Art Schools.

[Assented to 25th March, 1886.]

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

Interpretation
"member."

1. In this Act the word "member" shall mean any person who subscribes his name to any requisition for the establishment or maintenance of a Mechanics' Institute or Art School, but shall not include a pupil attending any of the classes for instruction; and the liability of all such members or subscribers is hereby limited to the amount of money so subscribed.

Mode of
incorporation.

2. Any number of persons, not less than ten, may be incorporated as a Mechanics' Institute or Art School, in the following manner:—

1. Such persons shall make and sign a declaration in the form of Schedule "A" to this Act.

2. One copy of such declaration shall be filed in the office of the registrar of deeds for the county, or other registration division in which such proposed Mechanics' Institute or Art School is situate, and another certified by the said registrar, as herein provided, shall be transmitted to the Education Department, and for such registration or filing, or for every copy thereof, the registrar shall be entitled to a fee of not more than fifty cents. (C. S. C. c. 72, s. 1.)

Certificate of
registration.

3. The person presenting the said declaration for filing, shall, before such registrar or deputy registrar, or before any commissioner for taking affidavits or Notary Public, acknowledge the execution thereof, by himself, and declare the same to have been executed by the other parties thereto, either in person or by their attorneys, and such duplicate or any copy thereof, certified by such registrar or deputy registrar, shall be *prima facie* evidence of the facts alleged in such declaration. (C. S. C. c. 72, ss. 2, 3; 40 V. c. 7; *Sched. A.* 153, 154.)

Directors shall
be a body
corporate.

4.—(1) When the formalities aforesaid have been complied with, the directors mentioned in such declaration, and their successors, shall be a body corporate and politic and shall possess all the rights and powers conferred by *The Interpretation Act* and by this Act. (C. S. C. c. 72, s. 4.)

(2) In the case of any Mechanics' Institute or Art School, not incorporated when this Act takes effect, the trustees or directors thereof may become incorporated on complying with the formalities prescribed in section 2 of this Act. Other Institutes or Art Schools may incorporate.

5. The person filing the declaration aforesaid, shall, not more than thirty days thereafter, call a meeting of the subscribers thereto for the purpose of electing officers and framing such by-laws as they may deem expedient for all purposes relating to the business of the corporation consistent with this Act. First meeting.

6. The officers of every Mechanics' Institute or Art School shall consist of a president (who shall be *ex officio* a director), secretary, treasurer, and a board of directors of not less than five or more than nine (exclusive of the president) and such other officers as may be designated in the by-laws of the corporation. (C. S. C. c. 72, s. 11, part.) Officers.

7. All officers after the first election, shall be elected on the first Monday in May of each year, at such hour as may be fixed by the by-laws of the Institute or Art School, and shall hold office for one year, or until their successors are appointed (C. S. C. c. 72, s. 11, part.) Election.

8. A failure to elect officers and directors, shall not operate the dissolution of the corporation, but the directors and officers last elected shall remain in office until their successors are elected, as may be provided in the by-laws of the corporation. (C. S. C. c. 72, s. 12.) Failure to elect directors.

9. The directors may make by-laws or rules for the safety and use of the library and reading room, and for the management of classes in such subjects as may be prescribed by the Education Department, and for regulating all other matters and things whatever connected with the proper business of a Mechanics' Institute or Art School, and for the management of the property of the corporation; and the directors may impose penalties for breaches of the by-laws or rules not exceeding \$4 for any offence, and may from time to time repeal, alter, vary or re-enact any such by-laws or notices, but any such by-laws or rules shall not be binding upon the members of such corporation, unless and until approved by a majority of those present at a meeting called for such purpose. Power to make by-laws.

10. A minute of all the proceedings of the directors, shall be entered in a book or books to be kept for that purpose, and shall be signed by the president or chairman for the time being, and such minutes so signed, shall be deemed to be original minutes, and such book or books, may be produced and read as evidence of the proceedings of such directors upon any judicial proceedings whatever. Minutes to be kept.

Powers of directors.

11. It shall be lawful for the directors to exercise all the powers of the corporation, to act on its behalf and in its name and use its seal, subject always to such by-laws as may have been approved by the members thereof, as provided in section 9 of this Act. (C. S. C. c. 72, s. 4.)

Application of funds.

12. The funds and property of every Mechanics' Institute or Art School shall be appropriated and used for purposes legitimately appertaining to the business of Mechanics' Institutes or Art Schools, and for no other.

Power to hold lands in towns with 3,000 inhabitants and in cities.

13.—(1) Any Mechanics' Institute or Art School duly incorporated, and situate in any city or in a town having three thousand inhabitants or more, may hold real property not exceeding in annual value the sum of \$3,000.

Power as to lands in villages and in towns under 3,000.

(2) Any Mechanics' Institute or Art School duly incorporated, and situate in any town or village not having three thousand inhabitants, may hold real property not exceeding in annual value the sum of \$1,000.

Limit in other cases

(3) In cases not mentioned in the next preceding two sub-sections of this Act, the yearly value of real property to be held by any such Corporation shall never exceed \$400.

When shares transferable.

14. If it is provided in the declaration, or by the by-laws of the Corporation, that the shares of the members, in the property of the Corporation, shall be transferable, then they shall be transferable accordingly, in the way and subject to the conditions mentioned in the declaration, or in the by-laws of the Corporation, if by such declaration such transfers are to be regulated by them.

Shares to be personal property.

15. All such shares shall be personal property, and by the declaration or by-laws provision may be made for the forfeiture of the shares in cases to be therein named, or for preventing the transfer thereof to others than persons of some certain description, or resident within some certain locality.

Dissolution of Institute on failure to comply with regulations.

16. Where the directors of Mechanics' Institutes, fail or neglect to open the library to the public or to the members of such Institute for two years as required by the regulations of the Education Department, such failure or neglect shall operate a dissolution of such corporation, and it shall be lawful for the Education Department through its proper officer to take possession of all the books, magazines and periodicals, in such library, and dispose of the same to the municipal corporation of the municipality in which such Mechanics' Institute is situated, on such terms and conditions as may be agreed upon, but nothing herein contained shall be deemed to confer any authority or control over any real estate under the jurisdiction of said directors.

17. In case a resolution authorizing or recommending the sale or conveyance by way of mortgage of any real estate belonging to any Mechanics' Institute or Art School, incorporated or lawfully acting under the provisions of this Act, is passed by two-thirds of the Directors of such Corporation, and is at any time within six months thereafter approved by a vote of the majority of the members of such Corporation entitled to vote under its by-laws, present at an annual meeting, or at any general meeting duly called in accordance with the provisions of its said by-laws in respect of the calling of general meetings, the Directors may sell and convey such real estate, or may convey the same by way of mortgage in security for any moneys borrowed for the purpose of the Corporation. (42 V. c. 29, s. 1.)

Manner of authorizing sales and mortgages.

18. In the notice calling any annual or special meeting, at which it is proposed to submit for approval such a resolution, it shall be stated that a resolution authorizing or recommending the selling or mortgaging of such real estate will be submitted at the said meeting for approval; and such notice is to be given at least two weeks before the day of meeting. (42 V. c. 29, s. 2.)

Purpose of meeting to be stated in notice calling same.

19. Every conveyance, whether absolute or by way of mortgage, executed in pursuance of this Act, shall be executed by the President and Secretary of the Corporation, if the Corporation has under its by-laws a President and Secretary; or if the by-laws of the Corporation do not provide for the appointment of these officers, then by the majority of the Directors; and every such conveyance shall be under the corporate seal of the Corporation. (42 V. c. 29, s. 3.)

Mode of executing conveyances.

20. In case a conveyance executed under this Act recites the resolution of the Directors, and the proceedings taken with reference thereto, such recital shall be *prima facie* evidence of the passing of such resolution, and of the action taken in respect thereof. (42 V. c. 29, s. 4.)

Recital *prima facie* evidence.

21. Every conveyance, either absolute or by way of mortgage, of any real estate of any Corporation incorporated under the *Revised Statute respecting Library Associations and Mechanics' Institutes*, chapter 168, or acting thereunder, heretofore made and executed by the President of the Corporation, or by the majority of the Trustees, acting under the authority of a resolution of a general meeting of the Corporation, or of a resolution of the Trustees, shall, if the consideration has been substantially applied for the purposes of the Corporation, be held to be valid and effectual. (42 V. c. 29, s. 5.)

Certain conveyances confirmed.

22.—(1) Any Mechanics' Institute in a municipality in which a Free Library has been established according to *The Free Libraries Act*, may, by agreement with the Board of Management

Mechanics' Institutes may transfer property to corporation

poration of
municipality
for the
purposes of
the Free
Libraries Act.

ment referred to in section 3 of *The Free Libraries Act, 1882*, transfer to the Corporation of the municipality, for the purposes of the said *Free Libraries Act, 1882*, all or any property, real or personal, of the Institute; but any transfer which, but for this section, the Institute would not have authority to make, shall only be made in the manner provided by the said *Free Libraries Act, 1882*.

(2) In case the transfer is to be made on terms involving the assumption of any liability of the Institute, or the payment of any money in consideration of the transfer, the agreement shall not be binding unless approved of and consented to by by-law of the Municipal Council. (45 V. c. 22, s. 10.)

Conditions re-
quired for
obtaining
legislative
grant.

23. It shall be the duty of the Directors of every Mechanics' Institute, in order to be entitled to any portion of the appropriation made by the Legislative Assembly for Mechanics' Institutes:

1. To see that such Institute is incorporated according to the provisions of this Act or some former Act;

2. To establish a Library containing books on Mechanics, Manufactures, Agriculture, Horticulture, Philosophy, Science, the Fine and Decorative Arts, History, Travels, Poetry, Fiction and Biography; or

3. To open a Reading-room; or

4. To organize Evening Classes for instruction in one or more of the three following courses, namely, an English Course, comprising the study of English and Canadian History, English Grammar and Composition; a Commercial Course, comprising the study of Book-keeping, Arithmetic and Writing; a Drawing Course, comprising the study of Freehand, Architectural and Mechanical Drawing;

5. To report before the 1st of May, in each year, to the Education Department, in such form as may be prescribed by the Minister of Education. (34 V. c. 23, ss. 6, 22; 36 V. c. 36, ss. 6, 10.)

Powers of
Education
Department.

24. The Education Department shall have power, in respect of the following matters:

1. For the management and inspection of Mechanics' Institutes, Libraries, Reading-rooms and Evening Classes and Art Schools, and for the auditing of all accounts appertaining thereto.

2. For the payment of such inspection, either by the Public School Inspector or otherwise, a sum not exceeding \$10 for every Institute or Art School inspected.

Distribution
of legislative
grant.

25.—(1) The appropriation annually made by the Legislative Assembly for Mechanics' Institutes, shall be distributed, subject to the regulations of the Education Department, as follows:

(a)

- (a) Every Mechanics' Institute with a membership of fifty persons, and contributing in annual subscriptions the sum of \$25, shall receive \$25 annually.
- (b) Every Mechanics' Institute with a membership of one hundred or over, and contributing in annual subscriptions not less than \$50 shall receive \$50 annually.
- (c) In addition to the sums in the preceding sub-sections mentioned, every Mechanics' Institute shall receive for its Library the sum of \$1 for every dollar expended on books as provided by this Act, but so as not to exceed the sum of \$150 for Library purposes: provided that of the said sum of \$150 expended for Library purposes not more than twenty per cent. thereof shall be expended on works of fiction; for its Reading-room the sum of \$1 for every dollar expended for newspapers, magazines or other periodicals, but so as not to exceed the sum of \$50 for Reading-room purposes; for Evening Classes the sum of \$3 for every pupil in any of the courses herein prescribed for classes of twenty-five pupils or under, and \$1 for each additional pupil, but so as not to exceed \$100 in all for Evening Classes.

(2) The amount of such local contribution shall be attested by the statutory declaration of the Treasurer or Secretary-Treasurer in such form as may be required by the Minister of Education.

26. The Association heretofore incorporated and known as the "Association of Mechanics' Institutes of Ontario," shall cease to be a body corporate on and after the thirtieth of September next, after the passing of this Act, and the Executive thereof may without any meeting of the Association order that all surplus moneys in the hands of the treasurer of such Association, after the payment of all debts and liabilities, shall be by him paid over to the credit of the Provincial Treasurer.

Association of
Mechanics'
Institutes
of Ontario
dissolved.

ART SCHOOLS.

27. Every Art School incorporated under this or any other Act and complying with the regulations of the Education Department respecting the equipment, accommodation and teachers required for Art Schools, shall be entitled to receive out of any moneys appropriated by the Legislative Assembly for Art purposes a fixed grant of \$400, and such additional sums for proficiency in art studies as may be determined by the regulations of the Education Department respecting final examinations.

Grant to Art
Schools.

THE SOCIETY OF ARTISTS.

Society of
Artists.

28. The Society now existing and known as the "Ontario Society of Artists," may organize and form themselves into a Society comprising not less than twenty-five members, and paying an annual subscription of not less than \$5 each, to be known as "The Ontario Society of Artists," and shall have power to adopt a constitution and make by-laws for the admission of members and for its guidance and proper management, and for the conduct and management of the Canadian Art Union and the promotion of any objects consistent with the study of Art and its practical bearing upon the interests of the Province of Ontario, and not inconsistent with the laws of the Province; and on filing a copy of such constitution and by-laws with the Minister of Education, such Society shall become a body corporate under this Act. (43 V. c. 5, s. 1.)

Grant of \$500.

29. Such Society, so long as the number of its *bona fide* members is not less than twenty-five, shall be entitled to receive from such moneys as may be appropriated by the Legislative Assembly for that purpose the sum of \$500.

Annual meet-
ing.

30. The said Society shall hold an annual meeting in each year, at such time and place as the said Society may appoint, not being later than the thirtieth day of September, and the retiring officers shall at such meeting present a full report of their proceedings and of the proceedings of the Society, and a detailed statement of its receipts and expenditure for the previous year; and the Society shall at such meeting elect a President, a Vice-President, and such other officers as the constitution and by-laws of the Society may provide to be elected, and the Society shall also elect two Auditors.

Election of
officers.

Report to
Minister of
Education.

31. A copy of the annual report of its proceedings, and a statement of receipts and expenditure, and a list of the officers elected, and also a report of such information as the Society may have been able to obtain on the progress of Art in the Province, shall be sent to the Minister of Education within forty days after the holding of such annual meeting. (43 V. c. 5, s. 1.)

Regulations
and Orders in
Council to be
laid before
Legislative
Assembly.

32.—(1) Every Regulation or Order in Council made under this Act shall be laid before the Legislative Assembly forthwith if the Legislature is in session at the date of such Regulation or Order in Council, and if the Legislature is not in session such Regulation or Order in Council shall be laid before the said House within the first seven days of the session next after such Regulation or Order in Council is made.

(2) In case the Legislative Assembly at the said session, or if the session does not continue for three weeks after the said Regulation

Regulation or Order in Council is laid before the House, then at the ensuing session of the Legislature, disapproves by resolution of such Regulation or Order in Council either wholly or of any part thereof, the Regulation or Order in Council, so far as disapproved of, shall have no effect from the time of such resolution being passed.

33. This Act, excepting the first five sections thereof, shall apply to all Mechanics' Institutes or Art Schools receiving aid from this Legislature, and all Acts or parts of Acts inconsistent with this Act are hereby repealed. Application of Act.

SCHEDULE A.

(See Section 2.)

We, the subscribers hereto, hereby agree to establish *(a Mechanics' Institute, Reading-room, Evening Classes or Art School, as the case may be)* in the municipality of _____, and we further agree that the name of the Corporation shall be the _____ Mechanics' Institute or Art School *(as the case may be)*, and we do hereby apply under section 2 of *The Act respecting Mechanics' Institutes and Art Schools* for incorporation. *(Then follow the names and descriptions of the applicants.)*

CHAPTER 36.

An Act to amend the Act Respecting Cemetery Companies.

[Assented to 25th March, 1886.]

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. Any company incorporated under the provisions of chapter 170 of the Revised Statutes of Ontario, may take and hold by gift, assignment, devise, bequest or otherwise, any moneys or securities, and apply the same in the same manner as any other moneys of the company in preserving, improving and embellishing the cemetery of such company, upon the condition and in consideration of the company's assuming and undertaking the duty and obligation of preserving and maintaining in a proper manner forever, any particular lot or lots, tomb or tombs, monument or monuments, enclosure or enclosures, in such cemetery or in any other cemetery or burying ground in the same, or in any other municipality in the same county, Cemetery Company may accept devise gifts, etc.

county, and any person or persons may make such gift, assignment, devise or bequest, to such company upon such conditions and for such considerations.

May agree to keep lots, etc., in good condition.

2. Every such company is hereby empowered to enter into agreements binding the company to preserve and maintain in a proper manner for all time to come, such particular lot or lots, tomb or tombs, monument or monuments, enclosure or enclosures in any such cemetery or burying ground designated in such gift, assignment, devise, bequest or agreement.

Executors may pay over bequest.

3. Any executor or executors, administrator or administrators, trustee or trustees, may pay over and transfer to any such company any moneys or securities in their hands, which they are by the will of their testator, or other instrument, directed to apply for or toward the purposes in this Act specified.

CHAPTER 37.

An Act to further amend the Municipal Act.

[Assented to 25th March, 1886.]

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

Short title. 1. This Act may be cited as "*The Municipal Amendment Act, 1886.*"

46 V. c. 18, s. 73; 48 V. c. 38, s. 4, repealed.

2. Section 73 of *The Consolidated Municipal Act, 1883*, as amended by *The Municipal Amendment Act, 1885*, is hereby repealed and the following substituted therefor:

Qualification of mayors, aldermen, etc.

73. No person shall be qualified to be elected a mayor, alderman, reeve, deputy-reeve or councillor of any municipality unless such person resides within the municipality, or within two miles thereof, and is a natural born or naturalized subject of Her Majesty, and a male of the full age of twenty-one years, and is not disqualified under this Act, and has, or whose wife has, at the time of the election, as proprietor or tenant, a legal or equitable freehold or leasehold, or partly freehold and partly leasehold, or partly legal and partly equitable, rated in his own name, or in the name of his wife, on the last revised assessment roll of the municipality, to at least the value following, over and above all charges, liens and incumbrances affecting the same:

1. In incorporated villages—Freehold to \$400, or leasehold to \$800 ;

2.

2. In towns—Freehold to \$800, or leasehold to \$1,600 ;
3. In cities—Freehold to \$1,500, or leasehold to \$3,000 ;
4. In townships—Freehold to \$400, or leasehold to \$800 ;

And so in the same proportions in all municipalities, in case the property is partly freehold and partly leasehold ;

But, if within any township or incorporated village, any such person is at the time of election in actual occupation of any such freehold rated in his own name on the last revised assessment roll of said township or incorporated village, he will be entitled to be elected as reeve, deputy-reeve or councillor of said township or incorporated village, if the value at which such freehold is actually rated in said assessment roll, amounts to not less than \$2,000, and for this purpose the said value shall not be affected or reduced by any lien, incumbrance or charge existing on or affecting such freehold.

3. Section 246 of *The Consolidated Municipal Act, 1883*, 46 V. c. 18, s. 246, repealed, is hereby repealed and the following substituted therefor :

246. The clerk of every city, town, incorporated village and township shall, on or before the thirty-first day of December, in each year, under a penalty of \$20, to be paid to the Treasurer of Ontario, in case of default, transmit to the Treasurer of Ontario a true return of the number of resident ratepayers appearing on the last revised assessment roll of the municipality, and shall accompany such return with an affidavit of the correctness of the same, made before a Justice of the Peace, verifying the same according to information and belief in the following form :

I, A. B., Clerk of the municipality of the city, town, township or village (*as the case may be*), make oath, and say, that to the best of my information and belief, the above written or annexed (*as the case may be*), return contains a true statement of the number of resident ratepayers appearing upon the last revised assessment roll of the said city, town, township or village, made in the year one thousand eight hundred and

Clerk to transmit a yearly return of ratepayers.

Signed,

Sworn before me, etc.

A. B.

4. Sub-section 2 of section 272 of *The Consolidated Municipal Act, 1883*, is hereby amended by omitting from the declaration lastly therein contained the words "not less than \$4,000," and inserting instead thereof the words "not less than \$2,000." 46 V. c. 18, s. 272, amended.

5. Section 294 of *The Consolidated Municipal Act, 1883*, is hereby amended by striking out sub-section 3 thereof, and substituting the following therefor : 46 V. c. 18, s. 294, amended.

(3) Appended to such copy so published and posted shall be a notice signed by the clerk of the council, stating that such copy is a true copy of a proposed by-law which has been taken into

Notice to be appended to by-law.

into consideration, and which will be finally passed by the council in the event of the assent of the electors being obtained thereto, after one month from the first publication in the newspaper, stating the date of the first publication, and that at the hour, day and place or places therein fixed for taking the votes of the electors, the polls will be held.

46 V. c. 18, s. 329, amended. **6.** Section 329 of *The Consolidated Municipal Act, 1883*, is hereby amended by omitting therefrom the words "which submitted the same."

46 V. c. 18, s. 346, amended. **7.** Section 346 of *The Consolidated Municipal Act, 1883*, is hereby amended by adding thereto the following as sub-section 3 thereof :

(3) And provided always that the council of any town heretofore or hereafter withdrawn from the county, and continuing so withdrawn pursuant to the provisions hereof, or of any city heretofore or hereafter erected, may, by by-law or by-laws passed at any meeting of such council, without submitting the same for the assent of the electors of such town or city as the case may be, raise such sum or sums of money as may be required to liquidate their share of the county debt as awarded or agreed upon pursuant to this Act, and to issue debentures for that purpose at such rates, for such times and upon such terms as they may theretofore have done or be entitled to for meeting any other liability of said town or city as the case may be.

46 V. c. 18, s. 351, amended. **8.** Section 351 of *The Consolidated Municipal Act, 1883*, is hereby amended by adding after the word "works," in the fifth line thereof, the following, "or of any right to collect tolls on any such road or bridge, or for the the making any such road or bridge wholly or partly free from tolls."

46 V. c. 18, s. 437, repealed. **9.** Section 437 of *The Consolidated Municipal Act, 1883*, is hereby repealed, and the following substituted therefor :

Licensing livery stables, cabs, etc., in cities. **437.**—(1) The Board of Commissioners of Police shall, in cities license and regulate second-hand stores and junk stores and shall, also in cities, regulate and license the owners of livery stables, and of horses, cabs, carriages, carts, trucks, sleighs, omnibuses and other vehicles used for hire, and shall establish the rates of fare to be taken by the owners or drivers of such vehicles, for the conveyance of goods or passengers, either wholly within the limits of the city, or from any point within the city to any other point not more than three miles beyond said limits, and may provide for enforcing payment of such rates, and for such purposes shall pass by-laws and enforce the same in the manner, and to the extent in which any by-law to be passed under the authority of this Act may be enforced ;

(2) The council of any city in which there is no Board of Commissioners of Police, shall have and may exercise by by-law all

all the powers conferred upon the Board of Commissioners by this section.

10. Section 473 of *The Consolidated Municipal Act, 1883*, is hereby amended by adding thereto the following as sub-section 2 thereof: 46 V. c. 18, s. 473, amended.

(2) In case of arbitration under the preceding provisions of this section, in determining the compensation to be paid for the care and maintenance of prisoners confined in the gaol, the arbitrators shall, so far as they deem the same just and reasonable, take into consideration the original cost of the site and erection of the gaol buildings, and of repairs and insurance, so far as the same may have been borne or sustained by one or other of the municipalities, and shall also take into consideration the cost of maintaining and supporting the prisoners, as well as the salaries of all officers and servants connected therewith; but the provisions of this sub-section shall apply only to the determining of the compensation to be paid for the care and maintenance of any such prisoners subsequent to the first day of January, 1886. Compensation for maintenance of prisoners.

11. Section 480 of *The Consolidated Municipal Act, 1883*, is hereby amended by adding thereto the following, as sub-section 2 thereof: 46 V. c. 18, s. 480, amended.

(2) The Judge of the County Court, holding such investigation, shall be entitled to receive, and shall be paid by the municipality requesting him to hold the investigation, the same fees which he would be entitled to receive for the services, if the matter had been referred to him as a referee under the provisions of *The Judicature Act*, and this enactment shall apply to pending investigations. Fees payable to county judge.

12. Sub-section 22 of section 490 of *The Consolidated Municipal Act, 1883*, is hereby amended by adding after the word "showmen," in the third line thereof, the words "and for regulating and licensing roller skating rinks and other places of like amusement." 46 V. c. 18, s. 490, sub-sec. 22, amended.

13. Sub-section 9 of section 503 of *The Consolidated Municipal Act, 1883*, is hereby amended by omitting from the first line of the said sub-section the words "mode of." 45 V. c. 18, s. 503, sub-sec. 9, amended.

14. Section 521 of *The Consolidated Municipal Act, 1883*, as amended by *The Municipal Amendment Act, 1885*, is hereby amended by adding thereto the following as sub-section 13 thereof: 46 V. c. 18, s. 521, amended.

(13) For regulating within the township, slaughter houses or other manufactures or trades which may prove to be nuisances.

15. Section 544 of *The Consolidated Municipal Act, 1883*, is hereby amended by adding thereto the following as sub-section 2 thereof: 46 V. c. 18, s. 544, amended.

is hereby amended by adding thereto the following as sub-section 2 thereof :

(2) If the compensation offered by the council, to the owner of the lands, or the road provided for the owner in lieu of the original road, as a means of egress and ingress, is not mutually agreed upon between the council and the owner or owners, (as the case may be), then in such case, the matters in dispute shall be referred to arbitration, under the provisions of this Act respecting arbitration.

46 V. c. 18, s. 532, amended. **16.** Section 532 of *The Consolidated Municipal Act, 1883*, is hereby amended by adding thereto the words following :

“And over all bridges crossing rivers or streams over 100 feet in width within the limits of any township or of any town not separated from the county, and connecting any main highway leading through the county.”

46 V. c. 18, s. 565, sub-sec. 2, amended. **17.** Sub-section 2 of section 565 of *The Consolidated Municipal Act, 1883*, is hereby amended by adding thereto the words following :

“The foregoing provisions of this sub-section shall also be held as including and applying to any bridge crossing a river or stream over 100 feet in width within the limits of any township or of any town not separated from the county and connecting any main highway leading through the county.”

46 V. c. 18, s. 565, amended. **18.** Section 565 of *The Consolidated Municipal Act, 1883*, as amended by section 24 of *The Municipal Amendment Act, 1885*, is hereby further amended by adding to sub-section 7 of said section 565, the words following :

“Provided, however, that no such by-law shall take effect until assented to by the local municipality or municipalities affected, or until the same shall have been approved by the Lieutenant-Governor in Council,” and said sub-section as hereby amended, shall be read and construed as if the amendment hereby made had been contained in said sub-section at the time of the passing of said sub-section and shall apply to all by-laws heretofore passed under the provisions of said sub-section 7.

When amendments to ss. 532 and 565 to take effect. **19.** The provisions of sections 532 and 565 of *The Consolidated Municipal Act, 1883*, as amended by this Act, so far as the same relate to bridges crossing rivers or streams over 100 feet in width within the limits of any Township or of any Town not separated from the County and connecting any main highway leading through the County within which the Township or Town is situate, shall not come into force or effect until after the expiration of one year from the passing of this Act.

46 V. c. 18, s. 570, sub-sec. 2, amended. **20.** Sub-section 2 of section 570 of *The Consolidated Municipal*

cipal Act, 1883, is hereby amended by omitting the word "fifteen," where it occurs in the seventh line of the said sub-section, and inserting the word "twenty" instead thereof.

21. Sub-section 9 of section 570 of *The Consolidated Municipal Act, 1883*, is hereby amended by omitting all the words after the word "section," in the tenth line of the said sub-section, and inserting instead thereof the words following :

46 V. c. 18, s. 570, sub-sec. 9, amended.

"Except that the council of the municipality may, on the petition of two-thirds of the owners appearing by the last revised assessment roll to be assessed for work mentioned in said sub-section, pass a by-law relieving the municipality from all liability under the provisions of section 587; and after such last mentioned by-law shall have been passed, the provisions of said section 587 shall not apply to any of the works mentioned in said sub-section and set forth and designated in said last mentioned by-law."

22. Section 570 of *The Consolidated Municipal Act, 1883*, is hereby further amended by adding thereto the following as sub-sections 18, 19 and 20 thereof:—

46 V. c. 18, s. 570, amended.

(18) Where any obstruction within the meaning of the provisions of this section, is wholly situate or existing beyond the limits of the municipality, the same shall for all purposes, and with respect to every provision of this Act, be deemed and taken to be an obstruction, situate and existing partly within and partly without the limits of the municipality, and as if the proposed work or operations in connection therewith, or with the removal thereof, were to be done and performed in part within the limits of the municipality, and in part to be continued and extended beyond such limits, and all the provisions of this Act, shall be held and deemed to apply and operate accordingly.

Provision where obstruction is situate outside of municipality.

(19) Where any such obstruction is occasioned by or is a dam or other artificial structure, the council shall be deemed to have full power to acquire, with the consent of the owner thereof, and upon payment of such purchase money as may be mutually agreed upon, the right and title to remove the same, wholly or in part; and any amount so paid or payable as purchase money, shall be deemed part of the cost of the works under this section in connection with the removal of such obstruction, and shall be dealt with and provided for accordingly.

Removal of artificial structures.

(20) The preceding subsections 18 and 19 are to be taken as applying only to cases where the obstruction is actually situate or existing in a municipality next adjoining to the municipality mentioned in said sub-sections.

Application of sub-ss. 18 and 19.

23. Section 571 of *The Consolidated Municipal Act, 1883*, is hereby amended by adding thereto the following as sub-section 3 thereof :

46 V. c. 18, s. 571, amended.

(3)

Provision
where by-law
passed before
appeal deter-
mined.

(3) In case the council shall finally pass the by-law before the time for appealing to the Judge has expired, or while an appeal is pending before him, the Judge shall, notwithstanding such by-law has been passed, proceed and determine the appeal; and if he varies the assessment, the council shall by an amending by-law alter the by-law in accordance with the variation in the assessment made by the Judge. This proviso shall apply to any appeal heretofore duly had to a Judge, but in which the Judge has on account of the by-law having been finally passed either declined to hear the appeal or to vary the assessment.

Form of by-
law in s. 571
amended.

24. The form of by-law in section 571 of *The Consolidated Municipal Act, 1883*, is hereby amended by inserting after the words "so made," in the twenty-first line thereof, the following:—

"Being the assessment hereinafter by this by-law enacted to be assessed and levied upon the lots and parts of lots hereinafter in that behalf specially set forth and described;" and by striking out the words "and assessment," printed in italics, in the twenty-fourth line of the said form.

46 V. c. 18, s.
572, amended.

25. Section 572 of *The Consolidated Municipal Act, 1883*, is hereby amended by striking out the word "within," in the seventh line of the said section and, substituting therefor the words "not later than," and by striking out all the words after "Toronto," in the eleventh line of the said section, and substituting therefor the words "during the six weeks next ensuing the final passing of the by-law."

46 V. c. 18, s.
574, amended.

26. Sub-section 1 of section 574 of *The Consolidated Municipal Act, 1883*, is hereby amended by adding thereto the following words: "and to refund the surplus (if any) to the then owners of the land *pro rata* according to the original assessment."

46 V. c. 18, s.
576, amended.

27. Section 576 of *The Consolidated Municipal Act, 1883*, is hereby amended by adding thereto the following words: "and until he obtains a sufficient outlet for such water, and in every such case to charge the lands and roads to the same extent and in the same manner as is provided by the next succeeding section of this Act."

46 V. c. 18, s.
586, amended.

28. Section 586 of *The Consolidated Municipal Act, 1883*, as amended by section 19 of *The Municipal Amendment Act, 1884*, and by section 27 of *The Municipal Amendment Act, 1885*, is hereby further amended by inserting after the words "of *The Ontario Drainage Act of 1873*," the words following: "or of any other Act respecting drainage works and local assessments therefor."

46 V. c. 18, s.
588, amended.

29. Section 588 of *The Consolidated Municipal Act, 1883*, is hereby amended by striking out the word "this" in the fourth

fourth line thereof, and substituting therefor the word "any" and by adding after the word "wilfully" in the seventh line thereof, the words "or through negligence," and by omitting therefrom the words "notification by the Council of the Municipality in writing" and inserting instead thereof, the words "notification in writing by the Council of the Municipality, or an officer appointed by the council for the inspection or care of drains," and by adding to said section, as sub-section 3 thereof, the following:

(3) Any person or persons who shall wilfully and intentionally obstruct, fill up or injure, any drains constructed under the provisions of any of said Acts, or wilfully and intentionally cut, destroy or injure any embankment or other drainage work connected therewith, shall upon the complaint of the council of the municipality, liable to keep such drain, embankment or work in repair, and upon conviction thereof before a justice of the peace, be liable to a fine of not less than \$1 nor more than \$50.

Penalty for obstructing drain.

30. Section 590 of *The Consolidated Municipal Act 1883*, is hereby amended by adding after the word "formalities" in the tenth line thereof, the words following "except the petition."

46 V. c. 18. s. 590, amended.

31. Section 592 of *The Consolidated Municipal Act, 1883*, is hereby repealed, and the following substituted therefor:

46 V. c. 18, s. 592, repealed.

592. Where, on account of proceedings taken under this Act, or *The Ontario Drainage Act*, or other Acts respecting drainage works and local assessments therefor, damages are recovered against the corporation or parties constructing the drainage works, or other relief is given by any judgment or order of any Court, or any award made under this Act, all such damages, or any sum of money that may be required to enable the corporation to comply with any such judgment, order or award, made in respect thereof, shall be charged *pro rata* upon the lands and roads liable to assessment for such drainage works; provided always, that if to enable the corporation to comply with any such judgment order or award, it shall be necessary or expedient to change the course of any drain, or to make a new outlet or otherwise improve or alter any drain or drainage works, the same shall for all purposes, and in all respects be dealt with and carried out, and all works and operations in respect thereof shall be executed and performed as if the same were alterations and improvements within the meaning of section 586 of this Act, and all provisions of this Act applying to, or in respect of any work, alteration or improvement provided for by said section 586, shall apply to any work, alteration or improvement intended to be provided for by this section.

Damages caused by drainage to be charged on land liable for cost of drainage.

Owners in
46 V. c. 18,
s. 612, and
sub-s. 4 (a).

32. The word "owners" in the first line of sub-section 4 (a) of section 612, of *The Consolidated Municipal Act, 1883*, shall extend to and include any leaseholder, the term of whose lease (including any renewals therein provided for) is not less than twenty-one years, provided the lessee has therein covenanted to pay all municipal taxes on the demised property during the term of said lease.

46 V. c. 18, s.
598, sub-s. 2,
amended.

33. Sub-section 2, of section 598 of *The Consolidated Municipal Act, 1883*, is hereby amended by adding after the number and figures "577" in the second line of the said sub-section, the number and figures "590."

46 V. c. 18, s.
627, amended.

34. Section 627 of *The Consolidated Municipal Act, 1883*, is hereby amended by inserting after the word "within" where it occurs in the second line of the said section the words "or adjacent to," and by adding thereto the following as sub-section 7 thereof :

By-laws for
purchase of
toll roads.

(7) Cities and towns separated from the county may, with the approval of the ratepayers qualified to vote on money by-laws, pass similar by-laws to assist in the purchase of any toll roads, in which the said cities or separated towns may be interested, or may pass by-laws abolishing the market fees charged by them, on condition that certain toll roads therein named are made free.

48 V. c. 39, s.
14, amended.

35. Section 14 of *The Municipal Amendment Act, 1885*, is hereby amended by adding thereto the following as sub-section 2 thereof :

Powers of
county
councils in
respect of
fences.

(2) The council of every county shall be deemed and held to have had, and possessed on, from, and since the first day of February, 1883, the foregoing powers, and also the power to assist, aid, and compensate, either by payment of money or otherwise, any owner or occupier of land bordering upon any public highway within the county for the taking down, altering or removing any fence or fences which, in the opinion of the council, would be likely to cause such an accumulation of snow or drift as would impede or obstruct travel on such highway or any part thereof, or for the erection and construction of some other description of fence, approved of, or designated by the council, and subject to such terms and conditions in that behalf as by such council have been or shall be fixed and prescribed.

48 V. c. 39, s.
39, amended.

36. Section 39 of *The Municipal Amendment Act, 1885*, is hereby amended by adding thereto the following as sub-section 5 thereof :

(5) Whenever in any township two or more portions thereof shall be so set apart as aforesaid, which shall adjoin, or lie contiguous to each other, the council of such township shall have power to pass a by-law uniting such separate divisions, so previously

previously set apart, into one division, whereupon the said council shall have all the powers over, and relating to such united divisions, as if the whole area embraced within the limits of the several divisions so united had originally been set apart under the provisions of this Act in one parcel.

37. The council of any city or town may pass by-laws :

For licensing and regulating plumbers, and for making better provision for securing the inmates and employees in all factories, hotels, boarding and lodging houses, warehouses, theatres, music halls, opera houses and other public buildings and places of amusement, against accident by fire, and providing for the adoption and erection of proper fire escapes upon all such buildings more than two stories in height. Licensing plumbers, etc.

38. The council of any city, town, or incorporated village may pass by-laws ; Powers of cities, towns and villages.

1. For compelling the use of water, supplied by the water works of the city, town, or village, for drinking and domestic purposes, within certain areas to be defined by by-law, and for prohibiting the use of spring or well water within such areas for such purposes. Use of water from water-works.

2. For authorizing the reduction of the annual sinking fund rate, or amount required to be collected under local improvement by-laws passed by the council prior to the Act passed by the Legislative Assembly of the Province of Ontario, in the 42nd year of the reign of Her Majesty, chaptered 31, and for making allowance for the interest accrued from the investment of the amounts of sinking fund heretofore collected under such by-laws : provided always that in settling the sum to be raised annually for the remaining years which any such by-law has to run for the payment of the debt, in lieu of the sinking fund rate, fixed by the original by-law, the rate of interest on future investments shall not be estimated at more than five per cent. per annum, to be capitalized yearly : provided also that no by-law reducing the sinking fund rates, fixed by any such local improvement by-law, shall become valid or effectual until the same shall have been assented to by the Lieutenant-Governor in Council. Reduction of sinking fund.

39. In the matter of by-laws passed, or to be passed for works payable by local assessment, in order to facilitate the negotiation of debentures issued thereunder, and add to their commercial value, it shall be lawful for the Council of any city, town, or incorporated village, to declare that the debt to be created on the security of the special rate settled by the by-law is further guaranteed by the municipality at large, anything contained in sub-section (d) to section 343, of *The Consolidated Municipal Act, 1883*, to the contrary notwithstanding. Power to guarantee local improvement debentures.

Completion of
local improve-
ments.

40. In any case when notice of a proposed improvement, work or service, to be paid for by special assessment as a local improvement, has been given by any council of any municipality pursuant to the provisions of chapter 174 of the Revised Statutes of Ontario, or of *The Consolidated Municipal Act, 1883*, or any amending Act or Acts, and no petition sufficiently signed has been presented to the said council or to the succeeding council against such proposed improvement, work or service, and assessment within the time limited in that behalf by the said Act, it shall be lawful for the said council, in the same or any succeeding year, to carry on the proposed work, improvement or service to completion, before making the assessment therefor; and such notice, so given, shall stand good as authority for undertaking any such work, improvement or service, and making such assessment or assessments, and passing all necessary by-laws, whether the same shall have been or shall be undertaken and completed by the council giving such notice or by the council in any succeeding year; and all notices heretofore given by any such council of any such improvements, works or services and assessments therefor, pursuant to section 4 of the Act passed in the 45th year of the reign of Her Majesty, chaptered 23, or of *The Consolidated Municipal Act, 1883*, and amending Acts, are hereby confirmed and declared valid and binding on all real property affected thereby, and all assessments made and all by-laws passed, or hereafter to be passed, to provide moneys for redeeming any temporary loan or paying off any debt contracted for any improvement, work or service, undertaken and completed pursuant to any such notice or notices, are hereby declared to be good, valid and binding assessments and by-laws, subject to compliance with the other provisions of *The Consolidated Municipal Act, 1883*, and amending Acts, relating to the making of special assessments and passing by-laws for local improvements.

Tender of
compensation.

41.—(1) Notwithstanding any of the provisions contained in *The Consolidated Municipal Act, 1883*, or in any Act amending the same, in all cases where claims are made for compensation for damages by the owners or occupiers of, or other persons interested in lands entered upon, taken or used by the corporation of any City, or alleged to have been injuriously affected by any such Corporation in the exercise of any of its powers, in the event of the Corporation not being able to agree with the claimant or claimants on the amount of compensation to be made, and the amount claimed does not exceed \$1,000, the same shall be settled and determined by the award of the Judge of the County within which the City is situate, (sitting as sole arbitrator), or at the option of either party, by such other sole arbitrator as the said Judge on application made by either party to him, upon notice to the other party, may appoint for the purpose.

(2) Either party shall be entitled to at least seven days' notice
exclusive

exclusive of the day of the service of the notice, of the wish of the other party to have an arbitration, and seven days' notice, exclusive of the seven days above mentioned and of the day of the service of the notice, shall be given of any application to the Judge to appoint any sole arbitrator as aforesaid.

(3) The fees to be paid to the arbitrator shall be the same as those payable to referees under the provisions of *The Revised Act respecting the Costs of Arbitrations*.

(4) Subject to the other provisions of this section the several sections of *The Consolidated Municipal Act, 1883*, and amending Acts relating to "arbitrators" and "procedure," shall so far as applicable apply to and govern all arbitrations had and awards made by a sole arbitrator, under the provisions of this Act.

42. The Council of any Municipality in all cases where claims for compensation or damages are made against them which, under the provisions of *The Consolidated Municipal Act, 1883*, or any other Act, are declared to be the subject of arbitration in the event of the parties not being able to agree, may tender to any person making such claim, such amount as they may consider proper compensation for the damage sustained or lands taken, and in the event of the non-acceptance by the claimant or claimants of the amount so tendered, and the arbitration being proceeded with, and if an award is obtained for an amount not greater than the amount so tendered, the costs of the arbitration and award shall, unless otherwise directed by the arbitrator, be awarded to the corporation and set off against any amount which shall have been awarded against them.

Council a continuing body.

43. A municipal council shall be deemed and considered as always continuing and existing, notwithstanding any annual or other election of the members composing the same, and upon and after the annual or other election of the members thereof, and their having organized and held their first meeting as a council, every such council may take up and carry on to completion all by-laws, reports and proceedings which had been begun or have been under consideration by the council, either in the then next preceding year or subsequent or prior thereto, and it shall not be necessary to begin *de novo* with any by-law, proceeding, report, matter or thing entertained by the council in such preceding year, or subsequent or prior thereto, as aforesaid. This section is to be construed as declaratory of the intent, meaning and effect of the existing law, except as respects any case which is now the subject of litigation, and any such case so now in litigation, shall be determined as if the present enactment had not been passed.

Reference of claims for compensation, in respect of lands.

CHAPTER 38.

An Act to further amend the Assessment Act.

[Assented to 25th March, 1886.]

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows :—

R. S. O. c. 180, s. 6, sub-s. 12, repealed. **1.** Sub-section 12 of section 6 of *The Assessment Act* is hereby repealed and the following substituted therefor :

Exemption of military and navy officers, etc., from taxation.

(12) The houses and premises of any officers, non-commissioned officers and privates of Her Majesty's Regular Army or Navy in actual service, while occupied by them, and not exceeding \$2,000 in value; and the full, or half-pay of any one in either of said Services, and any pension, salary, gratuity or stipend derived by any person from Her Majesty's Imperial Treasury, and the personal property of any person in such Naval or Military Services on full pay or otherwise, in actual service.

Section 6 amended.

2. Said section 6 of the said Act is hereby further amended by inserting the following as sub-section 17*a* of said section :

Exemption of stock.

(17*a*) The stock held by any person in any incorporated Company, whose personal estate is liable to assessment in this Province.

3. Section 6 of the said Act is hereby further amended by adding thereto the following as sub-section 26 thereof :

Exemption of vessels.

(26) Vessel property of the following description, namely: steamboats, sailing vessels, tow barges and tugs; but the income earned by or derived through, or from any such property shall be liable to be assessed.

R. S. O. c. 180, s. 19, repealed.

4. Section 19 of the said Act, as amended by section 3 of the Act passed in the 42nd year of Her Majesty's reign, and chaptered 32, is hereby repealed and the following substituted therefor ;

Assessment of land owned or occupied by several persons.

19.—(1) When the land is owned or occupied by more persons than one, and all their names are given to the assessor, they shall be assessed therefor in the proportions belonging to or occupied by each respectively; and if a portion of the land so situated is owned by parties who are non-resident, and who have not required their names to be entered on the roll, the whole of the property shall be assessed in the names furnished to the assessor as the names of the owners, saving the recourse of the persons whose names are so given against the others.

(2)

(2) If any member of a partnership so requests, his share or interest of, or in the real or personal property of, or belonging to the partnership, shall for all purposes and in all respects be assessed as if the same were the separate and individual property of such member, and formed no part of said partnership property. Assessment of partnership property.

(3) A company may, by notice in that behalf to be given to the clerk of any municipality wherein a separate school for Roman Catholics exists, require any part of the real property of which such company is either the owner and occupant, or, not being such owner, is the tenant, occupant or actual possessor, and any part of the personal property (if any) of such company, liable to assessment, to be entered, rated and assessed for the purposes of said separate school, and the proper assessor shall thereupon enter said company as a separate school supporter in the assessment roll in respect of the property specially designated in that behalf in or by said notice, and the proper entries in that behalf shall be made in the prescribed column for separate school rates, and so much of said property as shall be so designated shall be assessed accordingly in the name of said company for the purposes of said separate school and not for public school purposes, but all other property of said company shall be separately entered and assessed in the name of the company as for public school purposes: provided always that the share or portion of the property of any company entered, rated or assessed in any municipality for separate school purposes, under the provisions of this section, shall bear the same ratio and proportion to the whole of the property of the company assessable within said municipality that the amount or proportion of the shares or stock of such company, so far as the same are paid or partly paid up, and are held or possessed by persons who are Roman Catholics, bears to the whole amount of such paid or partly paid up shares or stock of the company. Assessment of property of company for school purposes.

(a) A notice by the company to the clerk of the local municipality under the provisions of this section may be in the form or to the effect following:

To the Clerk of (*describing the municipality*),

Take notice that (*here insert the name of the company so as to sufficiently and reasonably designate it*) pursuant to a resolution in that behalf of the directors of said company requires that hereafter and until this notice is either withdrawn or varied, so much of the property of the company assessable within (*giving the name of the municipality*), and hereinafter specially designated shall be entered, rated, and assessed for separate school purposes, namely, one-fifth (*or as the case may be*) of all real property, and one-fifth (*or as the case may be*) of all personal property of said company, liable to assessment in said municipality.

Given on behalf of the said company this (*here insert date*).

R. S., Secretary of said Company.

- (b) Any such notice given in pursuance of a resolution in that behalf of the directors of the company shall for all purposes be deemed to be sufficient, and every such notice so given shall be taken as continuing and in force and to be acted upon, unless and until the same is withdrawn, varied or cancelled by any notice subsequently given, pursuant to any resolution of the company or of its directors.
- (c) Every such notice so given to any such clerk shall remain with and be kept by him on file in his office, and shall at all convenient hours be open to inspection and examination by any person entitled to examine or inspect any assessment roll, and the assessor shall in each year, before the completion and return of the assessment roll, search for and examine all notices as may be so on file in the clerk's office, and shall thereupon in respect of said notices (if any) follow and conform thereto and to the provisions of this Act in that behalf.
- (d) The word "company" in this section shall mean and include any body corporate.

R. S. O. c. 180,
s. 13, sub-s. 5;
48 V. c. 42,
s. 5, amended.

5. Sub-section 5 of section 37 of *The Assessment Act* as amended and enacted by *The Assessment Amendment Act, 1885*, is hereby further amended by omitting therefrom the word "him" in the third line of the said section, and inserting instead thereof the words "or delivered to such assessor."

Exemption of
wage-earners.

6. To remove doubts, it is hereby declared and enacted that any person entered in an assessment roll as a "wage-earner" within the meaning of *The Assessment Act* as amended by *The Assessment Amendment Act, 1885*, shall be entitled to and shall have the full exemption from taxation provided for by sub-section 22 of section 6 of *The Assessment Act* in respect of earnings or income.

R. S. O. c. 180,
s. 44, amended.

7. Section 44 of *The Assessment Act* is hereby amended by striking out the words "separate from the county," in the first line thereof, and substituting the words "and incorporated villages;" also, by striking out the word "or" in the eighth line of said section, and inserting between the words "Town" and "clerk" in the same line the words "or village."

R. S. O. c. 180,
s. 45,
repealed.

8. Section 45 of *The Assessment Act*, as amended by section 20 of *The Act respecting Municipal Assessments and Exemptions* passed in the 43rd year of Her Majesty's reign, and chaptered 27, is hereby repealed, and the following substituted therefor :

45. In cities, towns, or incorporated villages, the council may by a by-law or by-laws, require the payment of taxes, and of all local improvement assessments, including sewer rents,
and

and rates to be made, into the office of the Treasurer or Collector, by any day or days to be named therein, in bulk, or by instalments, and may by such by-law or by-laws allow a discount for the prompt payment of such taxes, assessments, rents or rates, or any instalment thereof, on or before the day or days on which the same shall be made payable, and may by such by-law or by-laws impose an additional per-centage charge on every unpaid tax or assessment, rent or rate or instalment thereof, which shall be added to such unpaid tax or assessment, rent or rate or instalment thereof, and be collected by the collectors as if the same had originally been imposed and formed part of such unpaid tax or assessment, rent, or rate or instalment thereof.

9. Section 103 of *The Assessment Act* is hereby amended by adding thereto the words following: R. S. O. c. 180,
s. 103
amended.

“ And such collector shall at the same time furnish the Clerk of the Municipality with a duplicate of such account, and the Clerk shall, upon receiving such account, mail a notice to each person appearing on the roll with respect to whose land any taxes appear to be in arrear for that year.”

CHAPTER 39.

An Act respecting Liquor Licenses.

[Assented to 25th March, 1886.]

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows :—

1. Section 35 of *The Liquor License Act, 1884*, is repealed and the following substituted therefor: 47 V. c. 34, s
35, repealed.

35. Over and above the duties for licenses heretofore imposed by *The Liquor License Act*, or any Act amending the same, and any duties which have been or may be imposed by any municipal by-law, unless the municipality shall by by-law otherwise provide, there shall be paid, in order to the raising of a revenue for provincial purposes, for the exclusive use of this Province, the following additional duties thereon, the whole of which shall form part of the Consolidated Revenue of the Province: Additional
license duties.

- | | |
|--|---------------|
| 1. For each wholesale license | \$100 00 |
| 2. For each tavern or shop license in cities of over
20,000 inhabitants | 150 00
For |

For each tavern or shop license in cities of less than 20,000 inhabitants.....	100 00
For each tavern or shop license in towns	70 00
“ “ in incorporated villages	60 00
“ “ in townships	30 00
For each tavern license in cities granted to premises exempted from the necessity of having all the tavern accommodation provided by law under the Revised Statute, chapter 181, section 4, sub-section 3, as amended by <i>The Liquor License Act, 1884</i> , section 2	200 00
do. do. in towns	170 00
3. For each beer and wine license, a fee in addition to that provided by the Act 44 Victoria, chapter 27, section 2, sub-section 4, (1881), of one-fourth that hereby added to tavern licenses	
4. For each vessel license, (a) great lakes.....	75 00
do. do. (b) do. beer and wine	25 00
do. do. (c) inland waters.....	40 00
do. do. (d) do. beer and wine	15 00

(a). The population of a city for the purpose of this section shall be determined by the enumeration taken by the municipal assessors at the last preceding assessment.

License duties imposed by municipalities.

(b). Nothing herein contained shall limit the right of the council of any municipality, without submitting the same to the ratepayers, by their by-law to fix the duties or fees upon tavern or shop licenses, wholly for the use of the municipality, to the extent provided for by section 32 of *The Liquor License Act*, and the sum so fixed, or to be fixed, by any municipal council, may be, in addition to the sum imposed by this section, in and for the respective municipalities above mentioned.

Time to pass by-laws requiring larger duty extended.

2. The time in which during the present year, 1886, any municipality may require a larger duty to be paid for tavern or shop licenses therein is hereby extended to the 20th day of April, of the said year, and any municipality may vary, amend or repeal any by-law of such municipality now existing, or which may be hereafter passed, in respect to license duties as late as the 20th day of April, during the present year.

R. S. O. c. 181, s. 32, sub-s. 2, amended.

3. Sub-section 2 of section 32 of *The Liquor License Act* is amended by adding the following words thereto: "But if passed later than the 1st day of March in any year it shall come into force on the 1st day of May of the next succeeding year and shall remain in force until repealed."

4. Section 51 of *The Liquor License Act*, and section 5 of chapter 27 of the Acts passed in the 44th year of Her Majesty's reign, (1881), are hereby repealed, and the following substituted therefor:

Sec. 51, cap. 181, R. S. O. as amended by 44 V. c. 27, s. 5, repealed.

51. Any person who sells or barter spirituous, fermented or manufactured liquors of any kind, or intoxicating liquors of any kind, without the license therefor by law required, shall for the first offence, on conviction thereof, forfeit and pay a penalty of not less than \$50 besides costs, and not more than \$100 besides costs; and in default of payment thereof he shall be imprisoned in the county gaol of the county in which the offence was committed, for a period of not less than three calendar months, and to be kept at hard labour, in the discretion of the police magistrate or other convicting justice; and for the second offence, on conviction thereof, such person shall be imprisoned in such gaol for the period of four calendar months, to be kept at hard labour in the discretion of the police magistrate or other convicting justice; and for the third or subsequent offence, on conviction thereof, such person shall be imprisoned in such gaol for the period of six calendar months, to be kept at hard labour in the discretion of the police magistrate or other convicting justice; and in the event of the imprisonment of any person upon several warrants of commitment under different convictions in pursuance of this Act, whether issued in default of distress for a penalty or otherwise, the terms of imprisonment under such warrants shall be consecutive and not concurrent.

Penalty for selling without license.

Punishments provided for second and third offences.

5. Any person who violates any other provision of this Act, or of *The Liquor License Act*, or of any of the amendments thereto, in respect of which violation no other punishment is prescribed, shall for the first offence, on conviction thereof, forfeit and pay a penalty of not less than \$20 besides costs, and not more than \$50, besides costs; and for the second offence, on conviction thereof, such person shall forfeit and pay a penalty of not less than \$40, besides costs, and not more than \$60, besides costs, and in default of payment thereof he shall be imprisoned in the county gaol of the county in which the offence was committed, for a period not exceeding two calendar months, and to be kept at hard labour, in the discretion of the Police Magistrate or other convicting Justice; and for the third or subsequent offence, on conviction thereof, such person shall be imprisoned in such gaol for the period of three calendar months, to be kept at hard labour in the discretion of the Police Magistrate or other convicting Justice; and in the event of the imprisonment of any person upon several warrants of commitment under different convictions in pursuance of this Act, whether issued in default of distress for a penalty or otherwise, the terms of imprisonment under such warrants shall be consecutive and not concurrent.

Penalty for violations in cases not otherwise provided for.

Punishments for second and third offences.

R. S. O. c.
181, s. 92,
amended.

6. Section 92 of *The Liquor License Act*, is amended by adding thereto the following sub-section :

Provincial In-
spectors may
be appointed.

(2) One of such officers may be designated "Provincial Inspector," and it shall be his duty—

- (a) To make a personal inspection of each license district ;
- (b) To see that the books of each district inspector are properly kept, and that all entries are properly made ; and to examine into his accounts and into his mode of inspection, and to ascertain that the duties of the office are faithfully and efficiently performed ;
- (c) To hold investigations into the conduct of Inspectors and Commissioners when required so to do by the head of the Department ;
- (d) To report upon all such matters as expeditiously as may be to the Lieutenant-Governor for his information and decision ;
- (e) When the said Provincial Inspector shall inquire or cause an inquiry to be made into the conduct of any Inspector, or into the manner in which the law is enforced, by the Inspector or into the accounts of the Inspector, it shall be lawful for him to require that the evidence shall be given under oath, which oath he is hereby empowered to administer. He shall also have power to summon witnesses, and to enforce their attendance and to compel the production of books and documents, in the same manner and to the same extent as the Inspector of Division Courts.

R. S. O. c. 181,
s. 96, amended.

7. Section 96 of the said *Liquor License Act* is amended by striking out the first seven lines thereof, and by substituting the following therefor :

"96. Any Justice of the Peace, or Police Magistrate, upon information by any such officer, policeman, constable or Inspector that there is reasonable ground for belief that any spirituous or fermented liquor is being kept for sale, or disposal contrary to the provisions of this Act in any unlicensed house or place within the jurisdiction of such Justice or Magistrate may grant a warrant under his hand."

44 V. c. 27,
s. 15, repealed.

8. Section 15, of chapter 27, of the Acts passed in the 44th year of Her Majesty's reign, (1881), is hereby repealed, and the following substituted therefor :—

Duties pay-
able for
licenses issued
under sec. 99,

15. The following license duties for licenses issued under and in pursuance of sub-sections 4 and 8, of section 99, of *The Canada Temperance Act, 1878*, shall hereafter be payable :

For

For each druggist's or shop license in cities	\$75 00	sub-ss. 4 & 8, of C. T. Act, 1878.
“ “ “ towns	50 00	
“ “ “ other municipi- palities	30 00	
For each wholesale license in cities	150 00	
“ “ “ towns	100 00	
“ “ “ other municipalities	60 00	

9. Section 82 of *The Liquor License Act*, is repealed.

R. S. O. c. 181,
s. 82, repealed.

10. In cities, towns and incorporated villages in all cases where gas or other light is seen burning in the bar-room of such tavern or saloon where liquor is trafficked in, at any time during which the sale or other disposal of liquors is prohibited by any provision of *The Liquor License Act*, or of any amendment thereto or of this Act, any such fact when proved, shall be deemed and taken as *prima facie* evidence that a sale or other disposal of liquor by the keeper of such tavern or other place has taken place contrary to the provisions of section 43, of *The Liquor License Act*, and such keeper may thereupon be convicted of an offence against said section, and shall, upon such conviction, be subject to the punishment prescribed by section 5 of this Act.

Light in bar
prima facie
evidence of
sale.

11. The keeper of any licensed tavern in a city or town shall keep the bar-room or room in which liquor is trafficked in, closed as against all persons, other than those permitted to enter the same under sub-sections 1 and 2 of this section, between the hours of seven o'clock on Saturday night and six o'clock on Monday morning thereafter; and any keeper of such licensed tavern who allows or suffers any person or persons to frequent or to be present in such bar-room or room in which liquor is trafficked in during the time aforesaid, shall be guilty of an offence under this Act, unless it be established to the satisfaction of the Police Magistrate or other justice or justices before whom the prosecution is heard,

When keeper
of house guilty
of violation of
provisions as
to Sunday
closing.

1. That the person so found frequenting, or present in the bar-room where liquor is trafficked in, as aforesaid, was at the time he or she so frequented, or was present in such bar-room, a member of the family or household, (other than a lodger, boarder or guest) or a servant, or employee of such keeper actually engaged in necessary domestic occupation or service within the said bar-room,

2. Or that such person was present therein lawfully engaged in receiving or supplying liquor which might lawfully be sold during said prohibited hours.

3. The word "Keeper" when used in this section shall include the person actually contravening the provisions of this section, whether acting on behalf of himself or of another or others, and the actual offender as well as the "keeper" of the licensed

licensed tavern shall be personally liable to the penalties and punishments which may be imposed for the infraction or violation of this section, and at the prosecutor's option the actual offender may be prosecuted jointly with or separately from the keeper, but both of them shall not be convicted of the same offence, and the conviction of one of them shall be a bar to the conviction of the other of them therefor.

When persons
other than
keeper of
house guilty.

12. Any person so found in such bar-room, or who has been present therein during the prohibited hours, in the preceding section mentioned, and who does not come within the exceptions and proviso in that section contained, shall be guilty of an offence under this Act, and upon conviction thereof shall be liable to a penalty for each offence of not more than \$10 and not less than \$2 with costs.

Prohibition of
sale to un-
licensed
persons.

13.—(1) No person shall by himself or his partner, servant, clerk, agent or otherwise sell or deliver intoxicating liquors of any kind to any person not entitled to sell liquor, and who sells such liquor, or who buys for the purpose of re-selling, and any violation of the foregoing provision shall be an offence under this Act.

(2). But no person shall be convicted under this section who establishes to the satisfaction of the Police Magistrate or other Justice or Justices before whom the prosecution is heard that he had reason to believe and did believe that the person to whom the liquor was sold or delivered was duly licensed to sell such liquor, or did not sell liquor unlawfully, or did not buy to re-sell.

(3). This section applies only to a sale or delivery of liquor in any city, town or village by a person residing or carrying on business therein to a person who sells liquor unlawfully in the same city, town or village.

44 V. c. 27, s.
20, amended.

14. Section 20 of chapter 27 of the Acts passed in the 44th year of Her Majesty's reign, (1881), is amended by striking out the words "from grapes grown in Ontario" in the fourth line thereof, and by inserting the following after the word "alcohol" in the fifth line: "and in light foreign wines containing not more than fifteen per cent. of alcohol, but not including, Port, Sherry or Madeira wine.

44 V. c. 27, s.
22, amended.

15. Section 22 of the said last-mentioned Act, is amended by inserting the following after the words "fifteen per cent. thereof," in the eighth line thereof: "or light foreign wines containing a greater quantity of alcohol than fifteen per cent. thereof, or in Port, Sherry or Madeira wine, and also by inserting the following after the words: "fifteen per cent. thereof," in the twenty-fourth line thereof, "or light foreign wines containing a greater per-centage of alcohol than fifteen per cent. thereof, or Port, Sherry or Madeira wine." The per-centage shall be determined by weight.

16. Any holder of a beer and wine license who has been convicted of selling liquor without the license therefor required by law, or contrary to the terms of his license, or of this Act, or of *The Liquor License Act*, or of the Act passed in the 44th year of Her Majesty's reign, chapter 27, shall, in addition to any other penalty provided, if the Police Magistrate or other Justice or Justices before whom the prosecution was heard, certify that the offence was in his or their opinion a wilful one, be disqualified from having or holding a liquor license for, and during the then next succeeding license year, and any license granted to or obtained by any such person during such period shall be void.

Person violating law may be disqualified from holding licenses.

17. The following shall be added as sub-section 2 to section 13 of *The Liquor License Act, 1884*: 47 V. c. 34, s. 13, amended.

(2). Any Inspector who shall knowingly or wilfully violate the provisions of this section shall incur a penalty of not less than \$10 and not more than \$20.

18. Where the council of any city, town, village or township has by by-law required licensed shop-keepers to confine the business of their shops so licensed solely and exclusively to the keeping and selling of liquor, any person who makes or uses, or allows to be made or used, any internal communication between any such licensed premises and any shop or premises in which other goods are sold, shall be liable to a penalty upon conviction for the first offence of not less than \$20 and not exceeding \$50 for every day, or part of a day, upon which such communication remains open, and in default of payment thereof, shall be imprisoned in the county gaol of the county in which the offence was committed, for a period of not less than one calendar month, to be kept at hard labour in the discretion of the convicting justice, and for a second offence upon conviction thereof his license shall, *ipso facto*, become forfeited and void.

Penalty for allowing internal communication.

19. A Chief Inspector may be appointed for the City of Toronto, and he shall have jurisdiction throughout the said city. He shall perform all the duties of an Inspector and shall have all the rights, powers and authority thereof, and shall be charged with the duty of seeing that this Act is enforced in the districts into which the said city is divided. He shall, unless the Lieutenant-Governor otherwise directs, act as the Secretary of the Board and shall, in company with the Inspector, visit and inspect all premises for which a license is sought, and shall perform such other duties as may be assigned to him by the Board of Commissioners or by the Lieutenant-Governor in Council.

Chief inspector may be appointed in Toronto.

20. When by the said Liquor License Act, or any of its amendments, or by this Act, it is provided that any prosecution

One justice may hear case in rural municipalities.

prosecution may take place before two or more of Her Majesty's Justices of the Peace, having jurisdiction in the county or district in which the offence is charged to have been committed, then in case an offence is committed in a township, or in an incorporated, or police village, or in an unorganized district, the prosecution may take place before, and a conviction or order may be made by, one or more of such justices of the peace, instead of "two or more" of such justices, whenever an appeal lies against such conviction or order to the county judge. When such prosecution takes place before or a conviction or order is made by one Justice instead of two or more, the forms in the schedules of the said Act or amendments may be altered and adapted so as to meet the exigencies of the case.

R. S. O. c. 181,
s. 15,
amended.

21. Section 15 of the said *Liquor License Act* is amended by adding the words "and in the Town of Port Arthur three hotels" immediately after the word "Niagara" where it occurs in the third line of sub-section 2 thereof.

Pending pro-
ceedings not
to be affected.

22. Nothing in this Act contained shall affect the validity of any pending prosecution, or proceedings, or of any convictions, order or warrants, or any thing done thereunder; but all such prosecutions or proceedings now pending, shall continue to completion as though this Act had not been passed, and any such conviction, order or warrant, shall continue in force, and may be enforced or acted upon, as though this Act had not been passed.

Interpretation
"The Liquor
License Act or
any of the
amendments
thereto."

23. The words "the Liquor License Act or any of the amendments thereto," or words equivalent thereto, when used in this Act shall include *The Liquor License Act*; *The Act to amend the License Act and for other purposes*, passed in the 41st year of the Reign of Her Majesty, chapter 14; *The Act to give increased efficiency to the Laws against Illicit Liquor Selling*, passed in the 44th year of Her Majesty's Reign, chapter 27; *The Act to amend the Act respecting the sale of Fermented or Spirituous Liquors*, passed in the 46th year of Her Majesty's Reign, chapter 25; *The Liquor License Act, 1884*; *The Liquor License Act, 1885*, and this Act.

Short title.

24. This Act shall be read with, and as part and parcel of the said Liquor License Act and the amendments thereto, and may be cited as "*The Liquor License Act, 1886*."

CHAPTER 40.

An Act to amend the Act respecting Snow Fences.

[Assented to 25th March, 1886.]

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows :—

1. Section 1 of *The Act respecting Snow Fences*, passed in the 44th year of Her Majesty's reign, and chaptered 26 is hereby amended by adding the following sub-section thereto :

(2) Where in any township the owners and occupants of all the lands bordering upon the side of a public highway, within the jurisdiction of the council of the municipality, or upon so much of such highway as either extends from front to rear of any concession, or lies between any two side line roads, petition the council of such township to pass, under the provisions of this section, a by-law requiring such owners and occupiers to erect and maintain a wire fence between said lands and said highway, the council shall have power to pass the same, and to provide that such fence shall be so erected and maintained by such owners and occupants on and along such highway, at a uniform distance not exceeding six feet from that side thereof on which said lands border as aforesaid, and that every such owner and occupant shall have the right to occupy and enjoy so much of said highway as shall be situate between said fence when erected, and his said land bordering upon said highway, so long as said fence is by him maintained, as by said by-law may be required ; and in every such case the right to occupy and enjoy a part of said highway as aforesaid, shall be in lieu of and a full satisfaction of all compensation which, under any other provision of this section would require to be made to such owner or occupant, and as if the same had been agreed to by him : provided always that under the provisions of this sub-section no highway or part of a highway shall be reduced to or made less than fifty-four feet in width : provided, moreover, that for all purposes of this Act, the date of the passing of said by-law shall be taken as the time from which the two months mentioned in section 2 of this Act shall be computed.

Erection of wire fences on lands bordering on highways.

2. The said Act is further amended by adding the following as section 3 thereof :

3. The council of every township, city, town or incorporated village, shall have power, on and after the 15th day of November in each year, to enter into and upon any lands of Her Majesty, or into and upon any lands of any corporation or person

Power to enter on lands.

person whatsoever, situate within said township, city, town or village, and lying along any road or public highway, in or adjoining any such municipality, and to erect and maintain snow fences thereon, subject to the payment of such damages (if any) as may be actually suffered by the owner or owners of the lands entered upon, the amount thereof to be ascertained, if not mutually agreed upon, by arbitration, under *The Consolidated Municipal Act, 1883*: provided, always, that such snow fences so erected shall be removed on or before the first day of April following.

CHAPTER 41.

An Act to prevent Minors frequenting Billiard Rooms and other Places.

[Assented to 25th March, 1886.]

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

Fine on first and subsequent offence; how recoverable; one-half to informer.

Proviso.

Commencement of Act.

1. The keeper of a licensed billiard, pool or bagatelle room, who directly or indirectly keeps the same for hire or gain, admitting a minor under the age of sixteen years thereto, or allowing him to remain therein, without the consent of his parent or guardian, shall be subject to a fine of not exceeding \$10, for the first, and not exceeding \$20 for each subsequent offence, to be imposed by any Justice of the Peace, one-half of which fine shall go to the informer; provided always that this section shall not apply to a minor who is a member of the family of the keeper or his servant, or who does not go to the billiard, pool or bagatelle room for the purpose of loitering, or to play billiards, pool or bagatelle therein; nor shall this section apply to any case where the keeper, in the opinion of the Justice of the Peace, had reasonable cause to believe that such consent had been given by the parent or guardian, or that such minor was not under the age of sixteen years.

2. This Act is to come into force on the first day of January next.

CHAPTER 42.

An Act to make Further Provision Regarding the Public Health.

[Assented to 25th March, 1886.]

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. This Act may be cited as "*The Public Health Amendment Act, 1886.*" Short title.

2. The regulations mentioned in sections 3 and 4 of *The Public Health Act, 1884*, shall be deemed to include regulations for taking possession of any land or any unoccupied building thereon, by the authority of the Provincial Board of Health, local Board, or Health Officers, for any of the purposes mentioned in sections 3, 4 or 44 of the said Act, but not to authorize the taking or obtaining for the hospital of any municipality any land or buildings outside the limits of such municipality. Power to take possession of land or unoccupied building.

3. In case of actual or apprehended emergency, such possession may be taken without a prior agreement with or consent of the owner of said land or building, and may be retained for such period as may appear to such authority as aforesaid to be necessary. Cases of emergency.

4. Written notice containing a reasonable description of the land shall within five days after the taking or obtaining possession thereof be given by the Board or Officer so taking or obtaining possession thereof to the Clerk of the Local Municipality wherein the land is situate; such notice shall be given whether possession is taken or obtained with or without the consent of the owner. Notice to municipal clerk.

5. Where possession is taken without the consent of the owner, the Board or Health Officer by whom or under whose direction or authority possession is taken, shall within five days thereafter give notice thereof to the owner; such notice to be according to the form contained in the Schedule hereto annexed, or to the like effect. In the event of any owner not being known, or not being resident within the Province of Ontario, or of his residence therein being unknown to the Board or Health Officer giving the notice, such Board or Health Officer shall cause the notice to be published for two insertions in some local newspaper having a circulation within the municipality wherein the property is situate, and shall mail Proceedings where owner not consenting party.

mail to the last known address (if any) of the owner a copy of the notice in a registered letter prepaid.

Compensation.

6. The owner of any land or building shall be entitled to compensation from the local municipality wherein the land or building is situate, for the use and occupation thereof, including any damage arising from such use and occupation, such compensation to be agreed upon between the Municipal Council of the Local Municipality and the owner; and in case they do not agree, the Judge of the County Court of the County wherein the property is situate, shall summarily determine the amount of the compensation, and the terms of payment, in such manner, and after giving such notices, if any, as he sees fit.

Order for possession.

7. Where any resistance or forcible opposition is offered or apprehended to possession being taken of any land or building under this Act, or under any regulation which may be made by virtue thereof, or of *The Public Health Act*, the Judge of the County Court may without notice to any person issue his warrant to the Sheriff of the County, or to any other person as he may deem most suitable, requiring him to put the Board or Health Officer, their or his servants or agents in possession, and to put down such resistance or opposition which the Sheriff or Bailiff (taking with him sufficient assistance) shall accordingly do.

Limitation as to use of land or building.

8. No land or building to be used for the purposes of this Act shall be nearer than 150 yards to an inhabited dwelling.

Regulations confirmed.

9. All regulations heretofore made by the Provincial Board of Health, and approved by the Lieutenant-Governor in Council, and published in the *Ontario Gazette*, on the 5th of September, 1885, are hereby declared to have been within the authority given by the said Act in that behalf, and to have been valid regulations, and in force until and unless repealed or amended.

Regulations to be laid before Legislature.

10. All regulations hereafter made by the Provincial Board of Health are to be laid before the Legislative Assembly, if then in Session; and if not then in Session, at its first sitting after the making thereof, and within fourteen days after the commencement thereof.

SCHEDULE.

(Section 5.)

PUBLIC HEALTH.

Take notice that by virtue of The Public Health Act, and the regulations made thereunder, possession has been taken, (or obtained, as the case may be) of the following land (or "building," as the case may be,) namely :

(Reasonable Description)

and further take notice that such land (or building) will be occupied and used for the purposes of the said Act and regulations from, and after the date hereof, for a period of or such other time as may, in the discretion of the undersigned be necessary.

Dated, etc.

CHAPTER 43.

An Act to amend the Act Respecting Vaccination and Inoculation.

[Assented to 25th March, 1886.]

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows :—

1. In case the Council of any municipality neglect to contract with some competent medical practitioner or practitioners for the vaccination of poor persons and others, as provided in section 5 of *The Revised Act respecting Vaccination and Inoculation*, chapter 191, and such neglect continues for one month after the attention of the Council has been called in writing by the Local Board of Health to such neglect, and to the powers which, in case of such neglect, the Local Board may exercise under the authority of this Act, the Local Board of Health may contract with the Medical Health officer of the municipality, or other legally qualified medical practitioner, or practitioners, to perform all the duties which may be performed, or are incumbent upon a medical practitioner under the said Act, if appointed or contracted with by the Council under section 5, and the Council shall be liable to the medical practitioner for the fees of vaccination or for duties performed to the extent provided for by the said Act as if the contract had been made by or with the Council. The acts of the medical practitioner appointed by the Local Board of Health shall be as valid and operative in every respect as if a contract with him

Local Board of Health in default of municipality may employ a medical practitioner.

him had been made by the Council of the Municipality ; and in such case the Local Board of Health may also, unless the Municipal Council has already done so, appoint the places and give the notice where and when such vaccination shall be performed, as is required by section 6 of said chapter 191, to be done by the Council.

School trustees may require certificate of vaccination.

2. It shall be lawful for the Trustees of any Public, Separate or High School, to provide that no child shall be permitted to attend any such School without producing a certificate of successful vaccination when demanded of him or her by the teacher.

Students of High Schools, etc., may be required to produce certificates of vaccination.

3. In all cases when it is deemed necessary by the Medical Health Officer of any municipality, owing to the presence, or threatened presence of smallpox, he may, with the approval of the Local Board of Health, require certificates of successful vaccination, or of insusceptibility on re-vaccination within seven years, of all students of High Schools, Collegiate Institutes, Colleges and Universities, within the municipality to be presented to the proper authorities of said Institutions, and no student refusing to present such certificate on demand, shall be admitted to further attendance on classes in said institution until such certificate is furnished.

Enforcing vaccination.

4. In every municipality where smallpox exists, or in which, in the opinion of Provincial or Municipal health authorities, there is danger of its breaking out owing to the facility of communication with infected localities, the Council of the municipality may order the vaccination or re-vaccination of all persons resident in the municipality who have not been vaccinated within seven years, and that such vaccination or re-vaccination shall be carried out in so far as the same may be applicable in the same manner as for the vaccination of children, except that in the case of all persons of an age to make them legally responsible, they shall present themselves for vaccination by the medical practitioner, or some legally qualified practitioner, and the medical practitioner shall adopt the same measures to secure the vaccination or re-vaccination of all such persons, as he is required to do with regard to children. A proclamation signed by the head of the municipality, and published in posters and in at least one newspaper published within the municipality, and in cases where there is no such newspaper, then in at least one in the County in which such municipality is situated, warning the public that this section of the Act is in force, shall be sufficient evidence to secure the conviction of any person not complying with the law within a period of seven days from publication of the proclamation.

Children born in Municipality.

5. All children over the age of three months, resident in a Municipality, shall for the purposes of this Act be considered as children born in the Municipality.

CHAPTER 44.

An Act to further Amend the Ditches and Water Courses Act, 1883.

[Assented to 25th March, 1886.]

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. The following proviso is hereby added to section 3 of *The Act to Amend the Ditches and Water Courses Act, 1883*, passed in the 48th year of her Majesty's reign, chapter 47 :—"provided always that the Judge may, if in his opinion it will be more convenient for the parties concerned, fix as the time and place for hearing the appeal a sitting of the Division Court of the division in which the land of the person giving the notice of appeal is situate, notwithstanding the said time so fixed may be more than one month after the receiving of the said notice, and the said appeal may be heard either before or after the regular sitting of the Court." 48 V. c. 47, s. 3, amended.

2. Sub-section 2 of section 11 of *The Ditches and Water Courses Act, 1883*, is hereby amended by inserting after the word "appeal," in the fourth line the words "and a certified copy of the award." 46 V. c. 27, s. 11, sub-s. 2, amended.

3. The clerk of the Division Court receiving the notice of appeal may issue under the seal of the Court, subpoenas to witnesses, and the bailiff may serve the same; which subpoenas shall be in the form, as nearly as may be, of those used in Division Courts; and non-attendance, or disobedience to a subpoena may be punished in the same manner as in a case in a Division Court. Compelling attendance of witnesses.

4. The following sub-section shall be added to section 14 of *The Ditches and Water Courses Act, 1883*: 46 V. c. 27, s. 14, amended.

(2) Any engineer who wilfully neglects to make the inspection required by either of the preceding two sections for thirty days' after he has received the written notice mentioned therein, shall be liable to a fine of not less than \$5 nor more than \$10, to be recovered with costs on complaint made before one of Her Majesty's Justices of the Peace having jurisdiction in the matter, and in default of payment the same shall be recoverable by distress, and every such fine shall be paid over to the Treasurer of the Municipality in which the offence arose. Penalty.

CHAPTER 45.

An Act to further amend the Law for the Protection of Game and Fur-bearing Animals.

[Assented to 25th March, 1886.]

Preamble.

WHEREAS it is expedient to amend the law respecting the preservation of game and fur-bearing animals in Ontario ;

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows :—

43 V. c. 31,
repealed.

1. The Act passed in the 43rd year of Her Majesty's reign, and chaptered 31, is hereby repealed.

Close period.

2. None of the animals or birds hereinafter mentioned, shall be hunted, taken or killed, within the periods hereinafter limited ;

Deer, etc.

1. Deer, elk, moose, réindeer or caribou, between the fifteenth day of December and the fifteenth day of October ;

Grouse, etc.

2. Grouse, pheasants, prairie fowl or partridge, between the first day of January and the first day of September ;

Quail and
wild turkeys.

3. No quail shall be hunted, taken, or killed, during the years 1886, 1887, and no wild turkeys during the years 1886, 1887, 1888, and in each case thereafter not between the fifteenth day of December and the fifteenth day of October following.

Woodcock.

4. Woodcock, between the first day of January and the fifteenth day of August ;

Snipe, rail and
plover.

5. Snipe, rail and golden plover, between the first day of January and the first day of September ;

Swans and
geese.

6. Swans or geese, between the first day of May and the first day of September ;

Ducks and
other water
fowl.

7. Ducks of all kinds, and all other water fowl, between the first day of January and the first day of September ;

Hares.

8. Hares, between the fifteenth day of March and the first day of September.

Possession,
how far
lawful.

3. No person shall have in his possession, any of the said animals or birds, no matter where procured, or any part or portion of any such animals or birds, during the periods in which they are so protected ; provided that they may be exposed for sale for fifteen days, and no longer, after such periods, and may be had in possession for the private use of the owner and his

Exposure for
sale.

his family at any time, but in all cases the proof of the time of killing, taking or purchasing, shall be on the person so in possession.

4. No eggs of any of the birds above mentioned shall be taken, destroyed, or had in possession by any person at any time. Protection of eggs.

5. None of the said animals or birds, except the animals mentioned in section 7 of this Act, shall be trapped, or taken by means of traps, nets, snares, gins, baited lines, or other similar contrivances; nor shall such traps, nets, snares, gins, baited lines or contrivances, be set for them, or any of them, at any time; and such traps, nets, snares, gins, baited lines, or contrivances, may be destroyed by any person without such person thereby incurring any liability therefor. Trapping forbidden.

6. None of the contrivances for taking or killing the wild fowl, known as swans, geese or ducks, which are described or known as batteries, swivel guns, sunken punts, shall be used at any time, and no wild fowl, known as ducks, or other water fowl, except geese or swan shall be hunted, taken or killed, between the expiration of the hour next after sunset and the commencement of the hour next before sunrise. Batteries, etc., for taking wild fowl forbidden, and night hunting forbidden.

7. No beaver, mink, muskrat, sable, martin, otter, or fisher, shall be hunted, taken or killed, or had in possession of any person between the first day of May, and the first day of November; nor shall any traps, snares, gins, or other contrivances, be set for them during such period; nor shall any muskrat house be cut, speared, broken or destroyed, at any time; and any such traps, snares, gins, or other contrivances so set, may be destroyed by any person without such person thereby incurring any liability therefor: provided that this section shall not apply to any person destroying any of the said animals in defence or preservation of his property. Fur-bearing animals protected. Proviso.

8. Offences against this Act shall be punished upon summary conviction on information or complaint before a justice of the peace, as follows: Penalties.

(a) In case of deer, elk, moose, reindeer or caribou, by a fine not exceeding \$50, nor less than \$10, with costs, for each offence;

(b) In case of birds or eggs, by a fine not exceeding \$25 nor less than \$5, with costs, for each bird or egg;

(c) In case of fur-bearing animals, mentioned in section 7 of this Act, by a fine not exceeding \$25, nor less than \$5, with costs, for each offence;

(d) In the case of other breaches of this Act, by a fine not exceeding \$25, nor less than \$5, with costs.

Disposition of penalties.

9. The whole of such fine shall be paid to the prosecutor unless the convicting justice has reason to believe that the prosecution is in collusion with, and for the purpose of benefiting the accused, in which case the said justice may order the disposal of the fine as in ordinary cases.

Confiscation of game.

10. In all cases confiscation of game shall follow conviction, and the game so confiscated, shall be given to some charitable institution or purpose, at the discretion of the convicting justice.

Protection of game preserves.

11. In order to encourage persons who have heretofore imported or hereafter import different kinds of game, with the desire to breed and preserve the same on their own lands, it is enacted that it shall not be lawful to hunt, shoot, kill or destroy any such game without the consent of the owner of the property wherever the same may be bred.

Use of poison prohibited.

12. It shall not be lawful for any person to kill or take, any animal protected by this Act, by the use of poison or poisonous substances, nor to expose poison, poisoned bait or other poisoned substances, in any place or locality, where dogs or cattle may have access to the same.

Deer, game, etc., not to be killed for export.

13.—(1) No person shall at any time hunt, take or kill, any deer, elk, moose, reindeer, or caribou, for the purpose of exporting the same out of Ontario, and in all cases the onus of proving that any such deer, elk, moose, reindeer or caribou, as aforesaid, so hunted, taken or killed, is not intended to be exported as aforesaid, shall be upon the person hunting, killing, or taking the same, or in whose possession or custody the same may be found.

(2) Offences against this section, shall be punished by a fine not exceeding \$25, nor less than \$5 for each animal.

Hounds not to run at large.

14. No owner of any hound, or other dog known by the owner to be accustomed to pursue deer, shall permit any such hound, or other dog, to run at large in any locality where deer are usually found, during the period, from the fifteenth day of November, to the fifteenth day of October, under a penalty on conviction, of not more than \$25, nor less than \$5, for each offence; any person harbouring or claiming to be the owner of any such hound or dog shall be deemed the owner thereof.

Appointment of game inspectors.

15. It shall be lawful for the council of any county, city, town, township, or incorporated village, to appoint an officer who shall be known as the game Inspector for such county, city, town, township or incorporated village, and who shall perform such duties in enforcing the provisions of this Act, and be paid such salary, as may be mutually agreed upon.

16.—(1) It shall be the duty of every such game Inspector appointed as aforesaid, forthwith to seize all animals or portions of animals in the possession of any person contrary to the provisions of this Act, and to bring the person in possession of the same before a justice of the peace, to answer for such illegal possession.

Duties of Inspector.
Seizure of game.

(2) It shall also be the duty of every such game Inspector, to institute prosecutions against all persons found infringing the provisions of this Act, or any of them, and every such Inspector may cause to be opened, or may himself open in case of refusal, any bag, parcel, chest, box, trunk, or receptacle in which he has reason to believe that game killed or taken during the close season, or peltries out of season, are hidden.

Prosecutions.

(3) Every such Inspector, if he has reason to suspect, and does suspect that game killed or taken during the close season, or peltries out of season, are contained or kept in any private house, shed, or other building, shall make a deposition in the Form A annexed to this Act, and demand a search warrant to search such store, private house, shed, or other building, and thereupon such justice of the peace may issue, a search warrant according to Form B.

Search for game.

17. This Act shall come into effect on and after the first day of July next after the passing thereof.

Commencement of Act.

FORM A.

I, _____ undersigned game Inspector for _____ do hereby declare that I have reason to suspect, and do suspect, that game killed or taken during the close season, or furs out of season, etc., etc., (*as the case may be*) are at present held and concealed (*describe the property, occupant, etc., and the place*).

Wherefore I pray that a warrant may be granted and given to me to effect the necessary searches (*describe here the property, etc., as above*).

Sworn before me at
this _____

day of
A. D. 18
L. B.
J. P.

}

X. Y.
Game Inspector.

FORM B.

Province of Ontario, }
County of _____ }

To each and every the constables of
County of _____

Whereas,

Game Inspector for _____

has this day declared under oath before me, the undersigned, that he has reason to suspect that (game, or birds killed or taken during the close season, or furs out of season, etc., *as the case may be*) are at present held and concealed, (*describe property, occupant, place, etc.*)

Therefore,

Therefore, you are commanded by these presents in the name of Her Majesty, to assist the said Game Inspector, and to diligently help him to make the necessary searches to find the (state the birds or game killed or taken during the close season, or furs out of season, etc.,) which he has reason to suspect and does suspect to be held and concealed in (describe the property, etc., as above) and to deliver, if need there be, the said birds, etc., (as the case may be) to the said Game Inspector, to be by him brought before me or before any other magistrate to be dealt with according to law.

Given under my hand and seal
at County of
 this day of
 A. D. 18
L. S.

L. B.
J. P.

CHAPTER ~~46~~ 46.

An Act respecting Separate Schools.

[Assented to 25th March, 1886.]

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

Short title. 1. This Act may be cited as "*The Separate Schools Act, 1886.*"

R. S. O., c. 206 repealed, 2. Chapter 206 of the Revised Statutes of Ontario, entitled "*An Act respecting Separate Schools,*" and all other Acts and parts of Acts inconsistent with this Act are hereby repealed.

PROTESTANT AND COLOURED SEPARATE SCHOOLS.

Conditions on which separate schools for Protestant or coloured people may be established. 3.—(1) Upon the application in writing of five or more heads of families resident in any township, city, town or incorporated village, being protestants, the municipal council of the said township or the board of school trustees of any such city, town or incorporated village, shall authorize the establishment therein of one or more Separate Schools for Protestants; and upon the application in writing of five or more heads of families resident in any township, city, town or incorporated village, being coloured people, the council of such township or the board of school trustees of any such city, town or incorporated village, shall authorize the establishment therein of one or more Separate Schools for coloured people, and in every

every such case, such council or board, as the case may be, shall prescribe the limits of the section or sections of such schools.

(2). No person shall be a supporter of any Separate School Limits. for coloured people unless he resides within three miles in a direct line of the site of the school house for such Separate School.

4. There shall be three trustees for each Separate School Three trustees and the first meeting for the election of such trustees shall be Election same held and conducted in the manner and according to section 28 as in public schools. of this Act.

5. On the twenty-fifth day of December next, following the Commence- date of the application mentioned in section 3 of this Act, each ment and such Separate School shall go into operation, and shall, with regulations. respect to the persons for whom any such school has been established, be under the same regulations as Public Schools generally.

6. None but coloured people shall vote at the election of Voters trustees of any Separate School established for coloured people, defined. and none but the persons petitioning for the establishment of, or sending children to, a Protestant Separate School shall vote at the election of trustees of such school.

7. In any city or town the persons who make application, Union of according to the provisions of section 3 of this Act may wards in cities have a separate school in each ward, or in two or more and towns. wards united, as the said persons may judge expedient.

8. No Protestant separate school shall be allowed in any Special condi- school section, except when the teacher of the public school in tions. such section is a Roman Catholic.

9. In all cities, towns, incorporated villages and township Exemption public school sections in which such separate schools exist, from public each protestant or coloured person (as the case may be) sending school rates. children to any such school, or supporting the same by subscribing thereto annually an amount equal to the sum at which such person, if such separate school did not exist, must have been rated in order to obtain the annual legislative public school grant, shall be exempt from the payment of all rates imposed for the support of the public schools of such city, town, incorporated village and school section respectively, and of all rates imposed for the purpose of obtaining such public school grant.

10. The exemption from the payment of school rates, as Such exemp- herein provided, shall not extend beyond the period during tion condi- which such persons send children to or subscribe as aforesaid tional. for

for the support of such separate school; nor shall such exemption extend to school rates or taxes imposed or to be imposed to pay for school-houses, the erection of which was undertaken or entered into before the establishment of such separate school.

Not to share
in municipal
assessment.

11. Such separate schools shall not share in any school money raised by local municipal assessment for public school purposes.

Share of legis-
lative school
grant deter-
mined.

12. Each such separate school shall share in such legislative public school grant according to the yearly average number of pupils attending such separate school, as compared with the average number of pupils attending the public schools in each such city, town, incorporated village or township; the mean attendance of pupils for winter and summer being taken.

Half-yearly
returns to the
inspector.

13. The trustees of each such separate school shall, on or before the thirtieth day of June, and thirty-first day of December of each year, transmit to the county inspector a correct return of the names of all Protestant or coloured persons (as the case may be) who have sent children to, or subscribed as aforesaid for the support of, such separate school during the then last preceding six months, and the names of the children sent, and the amounts subscribed by them respectively, together with the average attendance of pupils in such separate school during such period.

Inspector to
report to
clerk.

14. The county inspector shall, upon the receipt of such return, forthwith make a return to the clerk of the municipality in which such separate school is established, stating the names of all the persons who, being Protestants or coloured persons, (as the case may be), contribute or send children to such separate school.

Clerks and
trustees to
exempt from
rates sup-
porters of
separate
schools.

15. Except for any rate for building school-houses undertaken before the establishment of such separate school, the clerk shall not include in the collector's roll for the general or other school rate, and the trustees or board of trustees shall not include in their school rolls, any person whose name appears upon such last mentioned return.

Clerk to allow
use of asses-
sor's roll.

16. The clerk or other officer of the municipality within which such separate school is established, having possession of the assessor's or collectors roll of the said municipality, shall allow any one of the said trustees, or their authorized collector, to make a copy of such roll as far as it relates to their school section.

Application of
ss. 29-40.

17. The provisions of sections 29 to 40 inclusive of this Act, shall apply to the trustees and teachers of such separate schools.

18. The trustees of each such separate school shall be a body corporate under the name of "The Trustees of the Protestant Coloured or Separate School of (as the case may be), in the township (city or town, as the case may be) of and shall have such power to impose, levy and collect school rates or subscriptions, upon and from persons sending children to, or subscribing towards the support of, the separate school as are provided in section 54 of this Act.

Separate school trustees to have same power as public school trustees.

ROMAN CATHOLIC SEPARATE SCHOOLS.

19. The sections and provisions hereinafter in this Act contained are enacted in respect of separate schools for Roman Catholics, whether now or hereafter established.

Application of following part of Act.

20. Unless otherwise declared or indicated by the context, wherever, in any of the sections or provisions hereinafter in this Act contained, any of the following words or expressions occur, they shall have the meaning hereinafter expressed, that is to say :

Interpretation.

1. The expression "rural school" shall signify and mean a separate school for Roman Catholics now or hereafter established within a township ;

2. The expression "urban school" shall signify and mean a separate school for Roman Catholics now or hereafter established within a city, town or incorporated village ;

3. The expression "separate school" shall signify and mean a separate school for Roman Catholics now or hereafter established.

21. The trustees of separate schools for Roman Catholics heretofore elected, or hereafter to be elected, according to the provisions of this Act, in the several wards of any city or town, or incorporated village, shall form one body corporate, under the title of "The Board of Trustees of the Roman Catholic Separate Schools for the City (or Town) or incorporated village of ."

Union of wards in towns or cities.

22. Any number of persons, not less than five, being heads of families, and householders or freeholders resident within any school section of any township, incorporated village or town, or within any ward of any city or town, and being Roman Catholics, may convene a public meeting of persons desiring to establish a separate school for Roman Catholics in such school section or ward, for the election of trustees for the management of the same. R. S. O. c. 206, s. 19.

Five heads of families being Roman Catholics may call a meeting to establish a separate school.

23. A majority of the persons present, being householders or freeholders, and Roman Catholics, and not candidates for election as trustees, may, at such meeting, elect three persons resident

Election of separate school trustees.

resident within such section or an adjoining section, to act as trustees for the management of such separate school. R. S. O. c. 206, s. 20.

Written notice of such meeting to be given; and to whom and in what manner.

24. Notice in writing that such meeting has been held, and of such election of trustees, shall be delivered by one of the trustees so elected to the reeve or head of the municipality, or to the chairman of the board of public school trustees, in the township, incorporated village, town or city in which such school is about to be established, designating by their names, occupations and residences, the persons elected in the manner aforesaid, as trustees for the management thereof; and it shall be the duty of the officer receiving the same to endorse thereon the date of the receipt thereof, and to deliver a copy of the same so endorsed and duly certified by him to such trustee, and from the day of the delivery and receipt of every such notice, or in the event of the neglect or refusal of such officer to deliver a copy so endorsed and certified, then from the day of the delivery of such notice the trustees therein named shall be a body corporate, under the name of "The Trustees of the Roman Catholic Separate School for the section number , in the Township of , or for the ward of , in the City or Town (as the case may be), or for the Village of , in the County of ." R. S. O. c. 206, s. 21.

Corporate name of trustees.

RURAL SEPARATE SCHOOLS.

Trustees' term of office.

25. For each rural school there shall be three trustees, each of whom, after the first election of trustees, shall hold office for three years, and until his successor has been elected. R. S. O. c. 204, ss. 17, 48.

Trustees' qualification.

26. Any person being a British subject, not less than twenty-one years of age, may be elected as a trustee whether he be a householder or freeholder or not.

Electors, qualification of.

27. Every householder or freeholder of the full age of twenty-one years, who is a supporter of a rural separate school, shall be entitled to vote at any election for school trustee, or on any school question whatsoever, at any annual or special meeting of the supporters of such school. R. S. O. c. 204, s. 52.

As to time and mode of elections.

28.—(1) The trustees of every rural school shall hold office and be elected as hereinafter provided, and the time and mode of election, appointment and duties of chairman and secretary at the annual meeting, term of office and manner of filling up vacancies, shall likewise be as hereinafter provided, that is to say:

Annual meeting, when held.

(2) A meeting of the supporters of such rural school shall be held annually on the last Wednesday of December, or if such Wednesday

Wednesday be a holiday, then on the next day, following, commencing at the hour of ten o'clock in the forenoon, for the purpose (among other things) of electing a school trustee or trustees. R. S. O. c. 204, s. 39; 42 V. c. 34, s. 9.

(3) In case from the want of proper notice or other cause, any first or annual meeting of separate school supporters, required to be held for the election of trustees, was not held at the proper time, any two supporters of such separate school may call a school meeting, by giving six days' notice, to be posted in at least three of the most public places in the locality in which the school is situate; and the meeting thus called shall possess all the powers and perform all the duties of the meeting in the place of which it is called. R. S. O. c. 204, s. 53. Meetings to be called in default of first or annual meetings.

(4) The supporters of such separate school present at such meeting shall elect one of their own number to preside over its proceedings, and shall also appoint a secretary who shall record the proceedings of the meeting and perform such other duties as may be required of him by this Act. R. S. O., c. 204, s. 45. Order business

(a) The business of such meeting may be conducted in the following order: receiving the annual report of the trustees, and disposing of the same; receiving the annual report of the auditor or auditors, and disposing of the same; electing an auditor for the current year; miscellaneous business; electing a trustee or trustees to fill any vacancy or vacancies.

(5) The chairman shall preside and submit all motions to the meeting in the manner desired by the majority. In case of an equality of votes, he shall give the casting vote but no other vote. He shall decide all questions of order subject to an appeal to the meeting. R. S. O. c. 204, ss. 46 and 47; 42 V. c. 34, s. 34. Chairman, duties of.

(6) When a poll is demanded by two supporters of a rural school at the meeting for the election of a trustee, the chairman shall forthwith grant the same, and the secretary shall thereupon immediately proceed to record, as herein directed, the names of all qualified supporters of such rural school who shall present themselves within the time prescribed by this Act, and the secretary shall enter in the poll-book, in separate columns, the names of the candidates proposed and seconded at the nomination, and shall, opposite to such columns, write the names of the supporters offering to vote at the election, and shall, in the column on which is entered the name of a candidate voted for by a supporter, set the figure "1" opposite the supporter's name, with the residence of such supporter. R. S. O. c. 204, s. 47; 42 V. c. 34, s. 6. Proceedings in case of a poll.

(7) In case a poll is demanded upon any rural school question by any two supporters, the name of each supporter shall Entries in poll book.

shall be similarly placed in separate columns marked "for" or "against." 42 V. c. 34, s. 6.

When voter is objected to. (8) In case any objection is made to the right of any person to vote at any such annual or special meeting, either for trustee or upon any school question, the chairman of the meeting, or other officer presiding, shall require the person whose right of voting is objected to, to make the following declaration or affirmation :

Declaration. (a) I, A.B., do declare and affirm, that I am an assessed householder or freeholder in Separate School Section.

(b) That I am of the full age of 21 years.

(c) That I am a supporter of the Roman Catholic Separate School in said School Section No.

(d) That as such supporter I have the right to vote at this meeting of the supporters of such school.

Whereupon the person making such declaration shall be entitled to vote. 42 V. c. 34, s. 3.

When poll shall close. (9) The poll at any such election of a Separate School trustee or trustees, or on any school question, shall not close before eleven o'clock in the forenoon, but may close at any time thereafter when a full hour has elapsed without any vote having been polled, and shall not be kept open later than four o'clock in the afternoon of the day on which the election is commenced. R. S. O. c. 204, s. 41.

Term for vacancies. (10) Any trustee elected to fill a vacancy shall hold office only for the unexpired term of the person in whose place he has been elected. R. S. O. c. 204, s. 37.

Trustees may resign. (11) Any such trustee may resign with the consent, expressed in writing, of his colleagues in office. R. S. O. c. 204, s. 20.

Re-election of any trustees lawful. (12) Any retiring trustee may be re-elected with his own consent, otherwise he shall be exempted from serving for four years next after leaving office. R. S. O. c. 204, s. 36.

Term of office of each trustee. (13) The trustees elected at a first rural school meeting shall respectively continue in office as follows :—

(a) The first person elected shall continue in office for two years, to be reckoned from the annual school meetings next after his election, and thence until his successor has been elected ;

Second. (b) The second person elected shall continue in office for one year, to be reckoned from the same period, and until his successor has been elected ;

Third. (c) The third, or last person elected, shall continue in office until the next ensuing annual school meeting and until his successor has been elected. R. S. O. c. 204, s. 49. (14)

(14) A correct copy of the minutes of a first and of every annual and of every special school meeting, signed by the chairman and secretary, shall be forthwith transmitted by the chairman of such meeting to the Education Department. Copy of minutes to be sent to inspector.
 R. S. O. c. 204, s. 50.

Duties of Trustees.

29.—(1) The trustees of every rural school shall have power and shall perform duties similar to those of the trustees of public schools in school sections, that is to say : Powers and duties of trustees.

(2) Every Board of rural school trustees (a majority of whom shall form a quorum) shall be constituted by the election of a chairman and a secretary-treasurer. *See* R. S. O. c. 204, s. 98, 102 (1). Constitution of Board.

(a) The secretary-treasurer, who may be a member of the Board, shall give such security as may be required by a majority of the trustees; and such security shall be deposited with the chairman of the board of separate school trustees. R. S. O. c. 204, s. 102, (1) 1 *a* part and 6.

(3) It shall be the duty of the secretary-treasurer :

(a) To keep a full and correct record of the proceedings of every meeting of the board in the minute-book provided by the trustees for that purpose, and to see that the minutes, when confirmed, are signed by the chairman or presiding trustee ; Secretary-treasurer, duties of.

(b) To receive all school moneys collected from the supporters of such school, and to account for the same ;

(c) To disburse all moneys in the manner directed by a majority of the trustees ;

(d) To produce, when called for by the trustees, auditors or other competent authority, all papers and moneys belonging to the corporation ;

(e) To call at the request in writing of two trustees a special meeting of the Board of Trustees. R. S. O. c. 206, ss. 100, 102, (1*a*), (5*b*), part.

(4) Notice of all meetings shall be given by the Secretary to each of the trustees, or by any one of the trustees to the others, by notifying them personally, or in writing, or by sending a written notice to their residences. R. S. O. c. 204, s. 97. Notices of meetings, how given.

(5) No act or proceeding of a rural school corporation which is not adopted at a regular or special meeting of the trustees, shall be valid or binding on any person affected thereby, unless notice has been given as required by this Act and unless at least two trustees are present. R. S. O. c. 204, s. 99. Corporate acts must be adopted at lawful trustee meetings.

Appointment
of auditor.

(6) Every board of rural school trustees shall annually, on or before the first day of December, appoint an auditor, and in case of their neglect, or the neglect of the ratepayers at an annual or special meeting to do so, or in case of an auditor being appointed or elected who refuses, or is unable to act, then the Minister of Education may (at the request in writing of any five supporters of such rural school) make such appointment. R. S. O. c. 204, s. 102 (3), (8a).

Information
to be given to
auditors.

(7) It shall be the duty of the trustees, or their secretary-treasurer, to lay all their accounts before the auditors of the school, or either of them, together with the agreements, vouchers, contracts and books in their possession, and such trustees or their secretary-treasurer, shall afford to the auditors, or either of them, all the information in their or his power as to the receipts and expenditures of school moneys.

Meetings to be
appointed by
the trustees.

(8) The trustees shall appoint the place of each annual school meeting of the supporters of the school for which they are the trustees; and the time and place of a special meeting of the same for (1) the filling up of any vacancy or vacancies in the trustee corporation occasioned by death, removal, or other cause; or (2) for the selection of a new school site; (3) the appointment of a school auditor; or (4) any other lawful school purpose, as they may think fit and proper; and to cause notices of the time and place, and of the objects of such meetings, to be posted in three or more public places of the neighbourhood in which the school is situate at least six days before the time of holding such meeting. R. S. O. c. 204, s. 102, (25).

Filling
vacancies.

Notice.

Adequate
accommo-
dation.

(9) The trustees shall provide adequate accommodation and a legally qualified teacher or teachers, according to the provisions of this Act or the regulations prescribed by the Education Department, for all children between the ages of five and twenty-one years, belonging to the supporters of their school. R. S. O. c. 204, s. 102 (8), (17).

Apply to
municipality
for school
moneys.

(10) Every such board may apply to the township council at or before its meeting in August for the levying and collecting by rate, all sums for the support of their school or schools, and for any other school purposes authorized by this Act to be collected from the supporters of such separate school. R. S. O. c. 204, s. 102 (12).

Arrange pay-
ment of
salaries.

(11) The trustees shall arrange for the payment of teachers' salaries quarterly and, if necessary, borrow on their promissory note, under the seal of the corporation, at interest not exceeding eight per cent. per annum, such moneys as may be required for that purpose, until the taxes imposed therefor are collected. R. S. O. c. 204, s. 89 (1), 102 (11).

Repairing,
etc., school
house.

(12) The trustees shall keep the school-house, furniture, out-buildings, and enclosures in proper repair, and where there is no suitable school-house or where two or more school-houses are required, build or rent a house or houses and keep such

such house or houses, its or their furniture, outbuildings and enclosures in proper repair. R. S. O. c. 204, s. 102 (9 and 10).

(13) The trustees shall give notice in writing, before the 15th day of January in each year, to the Education Department, of the names and post-office addresses of the several trustees then in office, and of the teachers employed by them, and give reasonable notice in writing, from time to time, of any changes therein. 45 V. c. 30, s. 4.

Names and addresses of trustees and teachers to be given to Minister of Education.

(14) The trustees may exempt, in their discretion, from the payment of school rates, wholly or in part, any indigent persons; notice of such exemption, when the school rate is collected by the municipality, shall be given by the trustees to the clerk of the municipality, on or before the 1st day of August. R. S. O. c. 204, s. 102 (9 and 10).

Exempt indigent persons.

(15) The trustees may dismiss from the school any pupil who shall be adjudged so refractory by the trustees (or by a majority of them), and the teacher, that his presence in school is deemed injurious to the other pupils, and where practicable, remove such pupil to an industrial school. R. S. O. c. 204, s. 102 (22).

Dismissal of refractory pupils.

(16) Every board of such trustees shall take possession and have the custody and safe keeping of all school property which has been acquired or given for school purposes; and may acquire and hold as a corporation, by any title whatsoever, any land, movable property, moneys or income given or acquired by the board at any time for school purposes, and shall hold or apply the same, according to the terms on which the same were acquired or received; and may dispose, by sale or otherwise, of any school site or school property not required by them in consequence of a change of school site, or other cause; and convey the same under their corporate seal, and apply the proceeds thereof to their lawful school purposes, or as directed by this Act. R. S. O. c. 205, s. 102 (6 and 7).

Custody of school property.
Sale of school site or other property.

(17) Such trustees shall visit, from time to time, every school under their charge, and see that it is conducted according to law and the authorized regulations, and shall provide school registers and a visitors' book, in the form prescribed by the Education Department. R. S. O. c. 204, s. 102 (21).

Visiting schools.

(18) The trustees shall cause to be prepared and read at the annual meeting of the supporters of every rural school, a report for the year then ending, containing, among other things, a summary of their proceedings during the year, together with a full and detailed account of the receipts and expenditure of all school moneys received and expended in behalf of such school for any purpose whatever, during such year, and signed by the trustees, and by either or both of the school auditors. R. S. O. c. 204, s. 102 (26).

Report at annual meeting.

(19) The trustees shall transmit to the Education Department the semi-annual returns on or before the 30th day of June,

Annual and semi-annual returns.

June, and 31st day of December respectively, and the annual return on or before the 15th day of January, in each year, according to the forms prescribed by the Education Department. R. S. O. c. 204, s. 102 (27 and 28 *a, b, c* and *d.*)

Notice for union of school sections for a separate school.

Union formed.

30.—(1) It shall be lawful for the majority of the supporters of the rural school, in each separate school section, whether the sections be in the same or adjoining municipalities, at a public meeting duly called by the separate school trustees of each such section, to form such sections into a separate school union section, of which union of sections the trustees shall give notice within fifteen days to the clerk or clerks of the municipality or municipalities, and to the Minister of Education; and each such separate school union section thus formed shall be deemed one school section for all Roman Catholic separate school purposes, and shall every year thereafter be represented by three trustees, to be elected as provided in section 28 of this Act.

Corporate name of trustees for union.

(2) And the said trustees shall form a body corporate, under the title of "The Board of Trustees of the Roman Catholic United Separate Schools for the United Sections Nos. (as the case may be) in the (as the case may be).

Separate School Boards in Cities, Towns, and Incorporated Villages.

31. Where in any city, town or incorporated village, a separate school is now or may hereafter be established, the following provisions shall apply:

Trustees in city, etc., divided into wards.

(1.) For every ward into which any city, town or incorporated village is divided there shall be two school trustees, each of whom, after the first election of trustees, shall continue in office for two years, and until his successor has been elected. R. S. O. c. 204, ss. 22 and 23.

(2.) One of the trustees in each ward (to be determined by lot at the first meeting of trustees after their election, which determination shall be entered upon the minutes) shall retire from office at the time appointed for the next annual school election, and the other shall continue in office one year longer and then retire. R. S. O. c. 204, ss. 24, 58 (1) (2); 42 V. c. 34, s. 7.

Trustees in village not divided into wards.

(3.) In every incorporated village not divided into wards there shall be six trustees, each of whom, after the first election for trustees, shall continue in office for two years and until his successor has been elected; and

(4.) Three of the trustees (to be determined by lot at the first meeting of trustees after their election which determination shall be entered upon the minutes) shall retire from office at the time appointed for the next annual school election, and the

the other three shall continue in office one year longer and then retire. R. S. O. c. 204, ss. 24, 58 (1) (2); 42 V. c. 34, s. 7.

(5.) Every trustee shall continue in office until his successor Term of office. has been elected, R. S. O. c. 204, s. 58.

32.—(1) The annual and other meetings of urban school supporters and meetings for the election of trustees and the annual and other meetings of urban school trustees shall conform to and be subject to the following provisions: Provisions for elections of trustees of public school corporations.

(2) A meeting of the supporters of every such urban school for the nomination of candidates for the office of school trustee, shall take place at noon on the last Wednesday in the month of December annually, or if a holiday, on the day following, at such place as shall from time to time be fixed by resolution of the separate school board, and in municipalities divided into wards, in each ward thereof, if the board in its discretion thinks fit. Nominations.

(3) The trustees of such urban school shall by resolution name the returning officer or officers to preside at the meeting or meetings for the nomination of candidates, and in case of the absence of such officer, the chairman chosen by the meeting shall preside, and the trustees shall give at least six days notice of such meeting. Returning officer.

(4) If at such meeting only the necessary number of candidates to fill the vacant offices are proposed and seconded, the returning officer or person presiding, after the lapse of one hour, shall declare such candidates duly elected, and shall notify the secretary of the urban school board; but if two or more candidates are proposed for any one office, and a poll in respect of any such office is demanded by any candidate or urban school supporter, the returning officer or chairman shall adjourn the proceedings for filling such office until the first Wednesday of the month of January then next, when a poll or polls shall be opened at such place or places, and in each ward, where such exist, as shall be determined by resolution of the said trustees. Proceedings at nominations.

(5) The poll or polls shall be opened at the hour of ten of the clock in the forenoon, and shall continue open until four o'clock in the afternoon, and no longer, and any poll may close at any time after eleven o'clock in the forenoon, when a full hour has elapsed without any vote having been polled. Hours of polling.

(6) The urban school board shall, before the second Wednesday in December in each year, by resolution, fix the place or places for the nomination meeting, and also for holding the election in case of a poll, and also name the returning officer who shall preside at the respective polling places, and forthwith give public notice thereof. Place for nomination and election.

Duty of returning officer after close of election.

(7) The returning officer or person presiding shall, on the day after the close of the election, return the poll book to the secretary-treasurer of the urban school board, with his solemn declaration thereto annexed, that the poll book has been correctly kept and contains a true record of the votes given at the polling place for which he was returning officer.

Duty of secretary.

(8) The secretary-treasurer shall add up the number of votes for each candidate for any office, as appears from the poll book so returned, and shall declare elected, the candidate or candidates having the highest number of votes; and a majority in number of the trustees remaining in office shall be a quorum for the foregoing purposes.

Casting vote.

(9) In case two or more candidates have an equal number of votes, the member of the board present who is assessed highest as a supporter of such urban school on the last revised assessment roll shall, at the time of declaring the result of the poll, give a vote for one or more such candidates, so as to decide the election.

Judge of County Court to receive and investigate complaints.

(10) The Judge of the County Court, in case any complaint respecting the validity or mode of conducting the election of any trustee of an urban school board in any municipality within his county, is made to him within twenty days after such election, shall receive and investigate such complaint, and shall thereupon, within a reasonable time, in a summary manner, hear and determine the same; and may by order cause the assessment rolls, collector's rolls, poll books, and any other records of the election to be brought before him, and may inquire into the facts on affidavit or affirmation, or by oral testimony, and cause such person or persons to appear before him as he may deem expedient, and may confirm the said election or set it aside, or order that some other candidate was duly elected; and the Judge may order the person found by him not to have been duly elected to be removed; and in case the Judge determines that any other person was duly elected, the Judge may order him to be admitted; and, in case the Judge determines that no other person was duly elected instead of the person removed, the Judge shall order a new election to be held, and shall report such decision to the secretary-treasurer of the urban school board. 42 V. c. 34, s. 7, (9); 44 V. c. 30, s. 9, (2).

Vacancy in office of trustees.

(11) In case of a vacancy in the office of trustee of any urban school board arising from any cause, the remaining trustees shall forthwith take steps to hold a new election to fill the vacancy so created, and the person thereupon elected shall hold his seat for the residue of the term for which his predecessor was elected, or for which the office is filled.

Proceedings at new election.

(12) The new election shall be conducted in the same manner and be subject to the same provisions as an annual election, and the urban school board shall give at least six days' notice

notice of the nomination of candidates, and in case a poll be demanded, the election shall be held one week from the day of said nomination. 42 V. c. 34, s. 7 (1) to (11).

(13) The voting for the election of trustees and for all other urban school purposes, shall be by open vote. R. S. O. c. 204, s. 59; 42 V. c. 34, s. 7. Voting to be open.

(14) In cities and towns divided into wards, the clerk of the municipality shall furnish to the separate school board, within three days after request in writing, "the voters' list" for each ward of such municipality, annexing thereto a list of the names of persons being supporters of separate schools for Roman Catholics, and also a list of the names, alphabetically arranged, of all ratepayers and persons entitled to vote in respect of income, rated upon the then last revised assessment roll, and not being already upon "the voters' list." 42 V. c. 34, s. 4. In cities and towns divided into wards, clerk of municipality to furnish Voters' List to school board.

(15) In towns not divided into wards and villages, the clerk of the municipality shall furnish to the urban school board within three days after request in writing, "the voters' list" for each polling sub-division in the case of such town or village, as provided by the last preceding sub-section. 42 V. c. 34, s. 5. In towns not divided into wards, and in villages, clerk to furnish Voters' List to trustees.

(16) The urban school board shall provide each polling place with the list aforesaid, and also a poll book; and, at every election at which a poll is demanded, the returning officer or person presiding, or his sworn poll clerk, shall enter in such book in separate columns the names of the candidates proposed and seconded at the nomination, and shall, opposite to such columns, write the names of the urban school supporters offering to vote at the election, and shall, in each column on which is entered the name of a candidate voted for by any such school supporter, set the figure "1" opposite the supporter's name, with his residence, and in case of a poll demanded upon any urban school question, the name of each such school supporter shall be similarly placed in separate columns, marked "for" or "against." 42 V. c. 34, s. 6. Certified copy of list and a poll book to be provided for each polling place. Entries in poll book.

(a) In case any objection is taken to the right of any person to vote at any meeting of the supporters of an urban school, the chairman of the meeting or other officer presiding shall require the person whose right to vote is objected to, to take the declaration mentioned in sub-section 8 of section 28 of this Act.

(17) It shall be the duty of the board to call and give notice of annual and special school meetings of urban school supporters of the city, town or village, or of any ward therein, for filling vacancies in the school trustee corporation, or for any other purpose, in the manner prescribed by this Act. R. S. O. c. 204, s. 104 (26). Trustees to give notice of annual and special meetings.

(18) When any supporter of an urban school resides without the municipality in which the school is situate, he shall be entitled

entitled to vote in that ward or division of the municipality in which the school house is situate which is nearest to his place of residence.

Election of trustees, when to become void.

(19) The election of trustees for any urban school shall become void unless a separate school is established under their management within three months from the election of such trustees. R. S. O. c. 206, s. 40.

President at first meeting.

(20) At the first meeting in each year of every urban school board, the secretary of such board shall preside, or, if there be no secretary, the members present shall select one of themselves to preside at the election of chairman, and the member so selected to preside may vote as a member. 41 V. c. 15, s. 2.

Casting vote.

(21) In case of an equality of votes at the election of chairman of any such board, the member who is assessed as a separate school supporter for the largest sum on the last revised assessment roll shall have a second or casting vote in addition to his vote as a member. 41 V. c. 15, s. 3.

Meetings of board.

(22) Subsequent meetings of the board shall be held at such times and places as may, from time to time, be fixed by resolution of the board. R. S. O. c. 204, s. 104 (2).

Presiding officer of board.

(23) The chairman of the board shall preside, or in his absence, any other person appointed to act as chairman by the majority of those present, and such chairman or person so acting, may vote with the other members on all questions, and any question on which there is an equality of votes shall be deemed to be negatived.

Quorum of school boards, etc.

(24) A majority of the members of such board, when present at any meeting, shall constitute a quorum, and the vote of the majority of such quorum shall be valid to bind the corporation. R. S. O. c. 204, s. 98, *part*.

Duties of Board.

Duties of board.

33. It shall be the duty of the board of trustees of every urban school :

Appointment of secretary and collector.

1. To appoint a secretary and treasurer or secretary-treasurer and one or more collectors, if requisite, of such school fees or rate-bills as the board may have authority to charge ;

(a) The collector or collectors, and secretary, and treasurer, or secretary-treasurer (who may be of their own number), shall discharge similar duties, and be subject to similar obligations and penalties, and have similar powers as the like officers in the municipality. R. S. O. c. 204, s. 104 (3 *a*, *b*) (13 *a*, *b*, *c*).

To provide adequate accommodation.

2. To provide adequate accommodation, according to the regulations of the Education Department, for all the children of separate school supporters between the ages of five and twenty-one,

twenty-one, resident in the ward, village or town, as the case may be, as ascertained by the census taken by the municipal council for the next preceding year.

3. To purchase or rent school sites and premises, and to build, repair, furnish, and keep in order the school-houses and appendages, lands, enclosures, and movable property, and procure registers in the prescribed form, suitable maps, apparatus and prize books and, if they deem it expedient, establish and maintain school libraries. R. S. O. c. 204, s. 104, (8 *a*, *b*, *c*), (25). To provide school premises, apparatus, prize books and library.

4. To determine the number, kind, grade and description of schools (such as male, female, infant, central or ward schools) to be established and maintained; the teachers to be employed; the terms on which they are to be employed; the amount of their remuneration, and the duties which they are to perform. R. S. O. c. 204, s. 104, (9 *a*, *b*). Kind of schools.

5. To prepare from time to time, and lay before the municipal council of the city, town, or village, on or before the first day of August an estimate of the sums which they think requisite for all necessary expenses of the schools under their charge. R. S. O. c. 204, s. 104, (10). To lay before Council estimate for moneys.

6. To appoint of their number annually, or oftener if they judge it expedient, and under such regulations as they think proper, a committee of not more than three persons for the special charge, oversight and management of each school within the city, town, or village, and to see that all the schools under their charge are conducted according to the authorized regulations. R. S. O. c. 204, s. 104 (24), 105 (1). To appoint a committee for each school.

7. To collect, at their discretion, from the parents or guardians of children attending any urban school under their charge, a sum not exceeding twenty cents per calendar month, per pupil, to defray the cost of text-books, stationery and other contingencies, and to see that all the pupils in the schools are duly supplied with a uniform series of text-books. R. S. O. c. 204, s. 104 (19); 105 (2). Trustees may collect a fee from parents.
To see that authorized books are used.

8. To give orders on the treasurer of the separate school board for all moneys expended for school purposes. R. S. O. c. 204, s. 104 (15). To give orders for moneys expended.

9. To prepare and transmit annually, before the fifteenth of January, to the Minister of Education, in the form prescribed by him, a report signed by the chairman, containing all information required by the regulations of the Education Department. R. S. O. c. 204, s. 104 (27) and (28). To prepare annual report for Minister.

Teachers.

34. All agreements between trustees and teachers, to be valid and binding, shall be in writing, signed by the parties thereto, Valid agreements with teacher.

thereto, and sealed with the corporate seal of the trustees, and such agreements may lawfully include any stipulation to provide the teacher with board and lodging. R. S. O. c. 204, s. 161 and (2).

Duties of teacher.

35. It shall be the duty of every teacher of a separate school:—

To teach according to law.

1. To teach diligently and faithfully all the branches required to be taught in the school, according to the terms of his engagement with the trustees, and according to the provisions of this Act, and the regulations of the Education Department;

To keep the register of the school.

2. To keep in the prescribed form the general, entrance, and the daily class, or other registers of the school, and to record therein the admission, promotion, removal, or otherwise of the pupils of the school;

To maintain order and discipline.

3. To maintain proper order and discipline in his school, according to the prescribed regulations;

To keep a visitors' book.

4. To keep a visitors' book (which the trustees shall provide) and enter therein the visits made to his school, and to present said book to every visitor, and request him to make therein any remarks suggested by his visit;

To give access to register and visitors' book.

5. To give the trustees and visitors access at all times when desired by them, to the registers and visitors' book appertaining to the school;

Deliver up register and key.

6. To deliver up any school registers, visitors' book, school-house key, or other school property in his possession, on the demand or order of the majority of the trustees employing him;

In case of refusal.

7. In case of his wilful refusal so to do he shall not be deemed a qualified teacher until restitution is made, and shall also forfeit any claim which he may have against the said trustees;

To hold public quarterly examinations.

8. To hold during each term a public examination of his school, of which he shall give due notice to the trustees of the school, to any school visitors who reside in or adjacent to the school, and through the pupils to their parents or guardians.

To furnish information to the Minister and Inspector.

9. To furnish to the Minister of Education, or to the Separate School Inspector, from the trustees' report or otherwise, any information which it may be in his power to give respecting anything connected with the operations of his school, or in any wise affecting its interests or character. R. S. O. c. 204, s. 163, sub-secs. 1 to 8.

To prepare reports.

10. To prepare so far as the school registers supply the information, such reports of the corporation employing him as are required by the regulations of the Education Department.

36. Every qualified teacher of a separate school employed for any period not less than three months shall be entitled to be paid his salary in the proportion which the number of teaching days during which he has taught, bears to the whole number of teaching days in the year. Proportion of salary to which teacher is entitled.

37. All matters of difference between trustees and teachers, in regard to salary or other remuneration, shall be brought and decided in the Division Court by the Judge of the County Court in each county, subject to an appeal, as provided by this Act. R. S. O. c. 204, s. 165, and (2). Provision in case of difference between teacher and trustees.

38. In pursuance of a judgment or decision given by a County Judge in a Division Court, under the authority of this Act, and not appealed from, execution may issue from time to time to recover what may be due of the amount which the Judge may have decided the plaintiff entitled to, in like manner as on a judgment recorded in a Division Court for a debt, together with all fees and expenses incidental to the issuing thereof and levy thereunder. R. S. O. c. 204, s. 165 (3). Issue of execution.

39. In case of sickness, certified by a medical man, every teacher shall be entitled to his salary during such sickness, for a period not exceeding four weeks for the entire year; which period may be increased at the pleasure of the trustees. Case of sickness. Four weeks allowed. 41 V. c. 8, s. 21.

40. Every teacher shall be entitled to be paid at the rate mentioned in his agreement with the trustees, even after the expiration of the period of his agreement, until the trustees pay him the whole of his salary as teacher of the school, according to their engagement with him, provided always that an action must be commenced within three months after such salary is due and payable by the trustees. R. S. O. c. 204, s. 164 and (2). Protection of teachers in regard to salary.

Assessments.

41. Every person paying rates, whether as proprietor or tenant, who, by himself, or his agent, on or before the first day of March in any year, gives to the clerk of the municipality notice in writing that he is a Roman Catholic, and supporter of a separate school situated in the said municipality or in a municipality contiguous thereto, shall be exempted from the payment of all rates imposed for the support of public schools, and of public school libraries, or for the purchase of land or erection of buildings for public school purposes, within the city, town, incorporated village or section in which he resides, for the then current year, and every subsequent year thereafter, while he continues a supporter of a separate school; and such notice shall not be required to be renewed annually. R. S. O. c. 206, s. 31. Supporters of separate schools exempted from payment of public school rates on giving certain notice.

Certificate of notice.

42. Every clerk of a municipality, upon receiving any such notice, shall deliver a certificate to the person giving such notice, to the effect that the same has been given, and shewing the date of such notice. R. S. O. c. 206, s. 32.

Penalty for wilful false statements in notice.

43. Any person who fraudulently gives any such notice, or wilfully makes any false statement therein, shall not thereby secure any exemption from rates, and shall be liable to a penalty of \$40, recoverable with costs before any Justice of the Peace at the suit of the municipality interested. R. S. O. c. 206, s. 37.

Exemption as to rates imposed before separate school established.

44. Nothing in the last preceding three sections contained, shall exempt any person from paying any rate for the support of public schools or public school libraries, or for the erection of a school house or school houses, imposed before the establishment of such separate school. R. S. O. c. 206, s. 34.

Residence of supporters of separate schools.

45. Subject to the other provisions of this Act no person shall be deemed a supporter of any separate school unless he resides within three miles (in a direct line) of the site of the school house. R. S. O. c. 206, s. 36.

Where person residing out of municipality to vote.

46. When any supporter of a separate school resides without the municipality in which the school is situate, he shall be entitled to vote in the ward or division in which the school house nearest to his place of residence is situate, if within the distance of three miles in a direct line. 42 V. c. 34, s. 23.

Non-residents may require school tax to be appropriated to a separate school.

47. Any person, who, if resident in a municipality, would be entitled to be a supporter of any separate school existing either therein or in any adjoining municipality, may, in giving notice under section 3 of *The Assessment Act*, that he is the owner of unoccupied land situate in either of the said municipalities, require that all such land as is situate either in the municipality wherein such separate school is situate or within the distance of three miles in a direct line of the site of said separate school shall be assessed for the purposes of said separate school, and the proper assessor shall thereupon enter such person in the assessment roll as a separate school supporter, and the proper entries in that behalf shall be made in the prescribed column for separate school rates, and such land shall be assessed accordingly for the purposes of said separate school and not for public school purposes. 47 V. c. 44, s. 1.

Persons withdrawing support from Separate School to give notice.

48.—(1) Any Roman Catholic who may desire to withdraw his support from a separate school, shall give notice in writing to the clerk of the municipality, before the second Wednesday in January in any year, otherwise he shall be deemed a supporter of such school.

(2) But any person who has withdrawn his support from any Roman Catholic separate school shall not be exempted from paying any rate for the support of separate schools or separate school libraries, or for the erection of a separate school house, imposed before the time of his withdrawing such support from the separate school. R. S. O. c. 206, s. 35. Proviso.

49.—(1) The assessor or assessors of every Municipality shall in the assessment roll set down the religion of the person taxable, distinguishing between Protestant and Roman Catholic, and whether supporters of public or separate schools; but nothing herein contained shall be deemed to interfere with the rights of public school trustees under *The Public Schools Act*. R. S. O. c. 204, s. 78 (5), (7a). Duty of assessors.

(2) The assessor shall accept the statement of, or made on behalf of, any ratepayer, that he is a Roman Catholic, as sufficient *prima facie* evidence for placing such person in the proper column of the assessment roll for separate school supporters, or if the assessor knows personally any ratepayer to be a Roman Catholic this shall also be sufficient for placing him in such last mentioned column. R. S. O. c. 204, s. 78 (5 part); 42 V. c. 34, s. 26 (3). Statement as to religion.

(3) The Court of Revision shall try and determine all complaints in regard to persons in these particulars alleged to be wrongfully placed upon or omitted from the roll (as the case may be), and any person so complaining, or any ratepayer of the municipality, may give notice in writing to the Clerk of the Municipality of such complaint, and the provisions of *The Assessment Act*, in reference to giving notice of complaints against the assessment roll, and proceedings for the trial thereof, shall likewise apply to all complaints under this section of this Act. R. S. O. c. 204, s. 78 (5 latter part). Court of Revision to decide complaints.

50. The clerk of every municipality, in annually making out the collector's roll, shall place columns therein, so that under the head of "School Rate," the public school rate may be distinguished from the separate school rate, and also under "Special Rate for School Debts," shall distinguish between public and separate school purposes, and the proceeds of any such rate shall be kept distinguished by the collector, and accounted for accordingly. R. S. O. c. 204, s. 78 (6). Collector's roll - further columns.

51. The clerk of any municipality in which any separate school section or part of a section is situate, shall, not later than the 1st day of December in each year, make out and transmit to the county school inspector a statement shewing whether or not any county rate for public school purposes has been placed upon the collector's roll against supporters of separate schools, and if such has been rated against supporters of separate schools, giving a list of such and the amount so rated against each and the total amount so rated. 43 V. c. 32, s. 9.

52. In any case where under section 18 of *The Assessment Act*, land is assessed against both the owner and occupant, or owner and tenant, then such occupant or tenant shall be deemed and taken to be the person primarily liable for the payment of school rates, and for determining whether such rates shall be applied to public or separate school purposes, and no agreement between the owner or tenant as to the payment of taxes as between themselves shall be allowed to alter or to affect this provision otherwise; and in any case where, as between the owner and tenant or occupant, the owner is not to pay taxes, if by the default of the tenant or occupant to pay the same, the owner is compelled to pay any such school rate, he may direct the same to be applied to either public or separate school purposes. 44 V. c. 30, s. 10.

Company may
require school
rate to be
applied to sep-
arate schools.

53.—(1) A company may, by notice in that behalf to be given to the clerk of any municipality wherein a separate school exists, require any part of the real property of which such company is either the owner and occupant, or, not being such owner, is the tenant, occupant or actual possessor, and any part of the personal property (if any) of such company, liable to assessment, to be entered, rated and assessed for the purposes of said separate school, and the proper assessor shall thereupon enter said company as a separate school supporter in the assessment roll in respect of the property specially designated in that behalf in or by said notice, and the proper entries in that behalf shall be made in the prescribed column for separate school rates, and so much of said property as shall be so designated shall be assessed accordingly in the name of said company for the purposes of said separate school and not for public school purposes, but all other property of said company shall be separately entered and assessed in the name of the company as for public school purposes: provided always that the share or portion of the property of any company, entered rated or assessed, in any municipality for separate school purposes under the provisions of this section, shall bear the same ratio and proportion to the whole property of the company assessable within the said municipality, as the amount or proportion of the shares or stock of such company, so far as the same are paid, or partly paid up, and are held and possessed by persons who are Roman Catholics, bears to the whole amount of such paid or partly paid up shares or stock of the company.

(2) A notice by the company to the clerk of the local municipality under the provisions of this section may be in the form or to the effect following:

To the clerk of (*describing the municipality*),

Take notice that (*here insert the name of the company so as to sufficiently and reasonably designate it*) pursuant to a resolution in that behalf of the directors of said company requires that hereafter and until this notice is either withdrawn or varied so much of the property of the company assessable within
(*giving*)

(*giving the name of the municipality*), and hereinafter specially designated shall be entered, rated, and assessed for separate school purposes, namely, one-fifth (*or as the case may be*) of all real property, and one-fifth (*or as the case may be*) of all personal property of said company, liable to assessment in said municipality.

Given on behalf of the said company this (*here insert date*).

R. S., Secretary of said company.

(3) Any such notice given in pursuance of a resolution in that behalf of the directors of the company shall for all purposes be deemed to be sufficient, and every such notice so given shall be taken as continuing and in force and to be acted upon unless and until the same is withdrawn, varied or cancelled by any notice subsequently given, pursuant to any resolution of the company or of its directors.

(4) Every such notice so given to any such clerk shall remain with and be kept by him on file in his office, and shall at all convenient hours be open to inspection and examination by any person entitled to examine or inspect any assessment roll, and the assessor shall in each year, before the completion and return of the assessment roll, search for and examine all notices as may be so on file in the clerk's office, and shall thereupon in respect of said notices (if any) follow and conform thereto and to the provisions of this Act in that behalf.

(5) The word "company" in this section shall mean and include any body corporate.

54.—(1) The trustees of separate schools forming a body corporate under this Act shall have the power to impose, levy and collect school rates or subscriptions, upon and from persons sending children to, or subscribing towards the support of such schools, and shall, for the purpose of collecting such school rates or subscriptions, have all the powers in respect of separate schools that the collectors of taxes in municipalities have and possess under the provisions of *The Municipal Act*. R. S. O. c. 206, s. 24. Powers of trustees.

(2) If the collector appointed by the trustees of any separate school is unable to collect that portion of any school rate which has been charged on any parcel of land liable to assessment, by reason of there being no person resident thereon, or no goods and chattels to distrain, the trustees shall make a return to the clerk of the municipality, before the end of the then current year, of all such parcels of land and the uncollected rates thereon. Lands on which there are rates uncollected to be returned to clerk.

(3) The clerk of the municipality shall make a return to the county, city, town or village treasurer of all such lands, and the arrears of separate school rates thereon.

(4) Such arrears shall be collected and accounted for by such treasurer in the same manner as the arrears of other taxes.

(5)

(5) The township, village, town or city council in which such separate school is situate, shall make up the deficiency arising from uncollected rates on land liable to assessment, out of the general funds of the municipality. R. S. O. c. 204, s. 102 (16, a, b, c, d, e).

Trustees may copy assessment roll of municipality.

55. The clerk or other officer of a municipality within or adjoining which a separate school is established, having possession of the assessor's or collector's roll of the said municipality, shall allow any one of the said trustees or their authorized collector to make a copy of such roll in so far as it relates to the persons supporting the separate school under their charge.

Collector of school rates.

56. It shall be the duty of every municipal council, if so requested by the trustees of any separate school at or before the meeting of such council in the month of August in any year, to cause, through their collectors and other municipal officers, to be levied in each year, upon the taxable property liable to pay the same, all sums of money for rates or taxes legally imposed thereon in respect of separate schools by competent lawful authority in that behalf and at their request, and such council shall account annually for the sums so to be collected, and any expenses attending the assessment, collection or payment of school rates by the municipal council, or any of its officers, for the trustees entitled thereto, shall be payable by the municipality, and the said rates, as and when collected, shall within a reasonable time thereafter, and not later than the fourteenth day of December in each year, be paid over to the trustees, without any deduction whatever. 43 V. c. 32, s. 4.

Agreements between municipality and separate school trustees as to payment in lieu of separate school rate.

57. Any board of separate school trustees, and the council of any municipality (three-fifths of whose members are not separate school supporters), may enter into an agreement for a term of years, that for each year of the said term, and at such times and in such sums as may be agreed upon, there shall in lieu of and as being the amount to be levied and collected in such year for separate school purposes, be paid by said municipality to said board a fixed proportion of the total amount levied and collected within the municipality in and for such year for both public and separate school purposes; provided always, that if in and for any such year the rate in the dollar of assessment actually levied for separate school purposes within said municipality is not the same as that actually levied therein for public school purposes, then said agreement shall not be in force for or apply to such last mentioned year; provided also that any agreement made as aforesaid may be determined at the end of any calendar year on giving six months' notice by either of the parties thereto to the other party. 47 V. c. 45, s. 2.

Proviso.

58. The county inspector of public schools shall, before distributing the county rate among the public school sections, deduct the amount certified to him by the clerk of any municipality in which any separate school section or part of a section is situate, according to the list given by such clerk, of the supporters of separate schools against whom the county rate for public school purposes has been placed, and rated, and shall give the trustees of the separate school section an order on the county treasurer or sub-treasurer for the amount so placed and rated, and it shall be the duty of such treasurer or sub-treasurer to pay over the same. 44 V. c. 30, s. 9, (3). Separate school amounts to be deducted.

59.—(1) The trustees of any separate school shall have full power as a body corporate to borrow money for school purposes, and to make valid mortgages and other instruments for the security and payment of such borrowed money, or of any moneys payable or to be paid for school sites, school buildings, or additions thereto, or the repairs thereof, upon the school house property and premises, or any other real or personal property vested in them, or upon the separate school rates, and each ratepayer who was a separate school supporter at the time when the loan was effected on the security of said rates or property shall, while resident within the section or municipality within which such separate school is situate, continue to be liable for the rate to be levied for the repayment of such loan. 42 V. c. 34, s. 24. Borrowing powers of trustees of separate schools.

(2) The principal money representing any sum so borrowed may, in the mortgage or other instrument securing the repayment thereof, be made payable in annual or other instalments, with or without interest, and the said trustees, in addition to all other rates or moneys which they may now levy in any one year, shall also have power and authority to levy and collect such further sum or sums as in each year may be requisite for paying all principal money and interest falling due in such year under the terms of such mortgage or other instrument aforesaid, and the said sums shall be levied and collected in each year in the same manner and form, and from the like persons and property by, from, upon or out of which other separate school rates may now be levied and collected. 42 V. c. 34, s. 24 (2).

60. Every separate school shall be entitled to a share in the fund annually granted by the Legislature of this Province for the support of public schools, and shall be entitled also to a share in all other public grants, investments and allotments for public school purposes now made or hereafter to be made by the province or the municipal authorities, according to the average number of pupils attending such school during the twelve next preceding months, or during the number of months which may have elapsed from the establishment of a new separate school, as compared with the whole average number of Separate schools entitled to a share of the public grant.

of pupils attending school in the same city, town, village or township. R. S. O. c. 206, s. 37.

But not to any share of local assessment for public schools.

61. Nothing herein contained shall entitle any such separate school within any city, town, incorporated village or township, to any part or portion of school moneys arising or accruing from local assessment for public school purposes within the city, town, village, or township, or the county or union of counties within which the city, town, village or township is situate. R. S. O. c. 206, s. 38.

Certificates to teachers of separate schools,

62. The teachers of any separate school under this Act shall be subject to the same examinations, and receive their certificates of qualification, in the same manner as public school teachers generally; but the persons qualified by law as teachers, either in the Province of Ontario, or, at the time of the passing of *The British North America Act*, in the Province of Quebec, shall be considered qualified teachers for the purpose of this Act. R. S. O. c. 206, s. 30.

Return to be transmitted by trustees.

63. The trustees of each separate school shall, on or before the thirtieth day of June and the thirty-first day of December of every year, transmit to the Minister of Education a correct return of the names of the children attending such school, together with the average attendance during the six next preceding months, or during the number of months which have elapsed since the establishment thereof, and the number of months it has been so kept open; and the Minister shall thereupon determine the proportion which the trustees of such separate school are entitled to receive out of the legislative grant, and shall pay over the amount thereof to such trustees. R. S. O. c. 206, s. 41.

Visitors of separate schools.

64. The Minister of Education, all Judges, Members of the Legislature, the heads of the municipal bodies in their respective localities, the inspectors of public schools, and the clergymen of the Roman Catholic Church, shall be visitors of separate schools. R. S. O. c. 206, s. 42.

Inspection of schools.

65. The Roman Catholic separate schools (with their registers) shall be subject to such inspection as may be directed from time to time by the Minister of Education, and shall be subject also to such regulations as may be imposed from time to time by the Education Department. R. S. O. c. 206, s. 43.

Model schools for teachers of separate schools.

66. The Education Department may authorize a separate school in any county to be constituted a model school for the training of teachers for separate schools, subject to the regulations of the department, and where in any county such model school has been established, or from the special circumstances of the separate schools therein, the Minister of Education should deem it expedient, he may recommend for appointment by

by the Lieutenant-Governor in Council some one competent person possessing qualifications prescribed by the Education Department to be a member of the county board of examiners of such county in addition to the number now authorized, and who shall possess and discharge the like powers and duties as the other members of said board. 42 V. c. 34, s. 27.

67. In the case of a separate school established under this Act in any city, town, or incorporated village in which a high school is established, it shall be lawful for the trustees of such separate school to appoint any ratepayer (not one of themselves) as trustee of such high school, provided always that in the case of a united high and public school board such trustee shall not take any part in the proceedings of such board in regard to any matter affecting the public school.

Appointment of trustee of high school by trustees of separate school.

68. In the event of any disagreement between trustees of Roman Catholic separate schools and inspectors of public schools, or other municipal authorities, or in the event of any protest against the election of a rural school trustee, or other proceedings of a rural school meeting made in writing and signed by five supporters of the separate school concerned, the case in dispute shall be referred to the equitable arbitrament of the Minister of Education, subject, nevertheless, to appeal to the Lieutenant-Governor in Council, whose award shall be final in all cases. R. S. O. c. 206, s. 44.

Disagreement between trustees, inspectors, etc.

Superannuation.

69. From and after the date of this Act, every teacher or inspector whose name is entered as having paid into the fund for the support of superannuated teachers, may contribute to such fund in such manner as may be prescribed by the Education Department, the sum of at least \$4 annually.

Superannuation fund.

70. On the decease of any teacher or inspector, his wife, her husband, or other legal representative, shall be entitled to receive back the full amount paid into the Superannuation Fund by such teacher or inspector, with interest at the rate of seven per cent. per annum. R. S. O. c. 204, s. 169.

Repayment to wife, etc., of deceased teacher.

71.—(1) Every teacher or inspector who, while engaged in his profession, contributes to the Superannuated Teachers' Fund as provided by this Act, shall on reaching the age of sixty years, be entitled to retire from the profession at his discretion, and receive an allowance or pension at the rate of \$6 per annum, for every year of such service in Ontario, upon furnishing to the Education Department satisfactory evidence of good moral character, of his age, and of the length of his service as teacher or inspector. R. S. O., c. 204, s. 170.

Right of teacher to retire on reaching sixty years of age.

(2) Every pension payable under this Act may be supplemented out of local funds by any municipal council, public school

Supplementary pension.

school board or board of education, at its pleasure. R. S. O. c. 204, ss. 89 (2), 105 (4), 170 (2).

Application of section.

(3) To remove doubts, nothing in this section contained, shall be held as applying to any person who, prior to 1871, had ceased to be engaged in his profession as a teacher and has not heretofore contributed to the said fund, and no payment for arrears shall be received after the 1st day of July, 1886.

Teachers under sixty.

72. Every teacher or inspector under sixty years of age, who has contributed, as aforesaid, and who is disabled from practising his profession, shall be entitled to a like pension, or local supplementary allowance, upon furnishing the like evidence, and by furnishing to the Education Department from time to time, in addition thereto, satisfactory evidence of his being disabled. R. S. O. c. 204, s. 171.

\$1 per annum extra to certain teachers.

73. Every teacher entitled to receive an allowance from the Superannuated Teachers' Fund, who holds a first or second class provincial certificate, or a first-class county board certificate, or who is an authorized head master of a high school or collegiate institute, shall in addition to said allowance or pension, be entitled to receive a further allowance at the rate of \$1 per annum for every year of service while he held such certificate, or while he acted as head master of a high school or collegiate institute. R. S. O. c. 204, s. 172.

Proviso in regard to good moral character.

74. The retiring allowance shall cease at the close of the year of the death of the recipient, and may be discontinued at any time should the pensioned teacher fail to maintain a good moral character, to be vouched for (when requested) to the satisfaction of the Education Department. R. S. O. c. 204, s. 173.

Teacher resuming profession.

75. If any pensioned teacher or inspector shall, with the consent of the Education Department, resume the profession of teaching or inspecting, the payment of his allowance shall be suspended from the time of his being so engaged. R. S. O. c. 204, s. 174.

Again retiring.

76. In case of his again being placed by the Education Department on the superannuation list, a pension for the additional time of teaching shall be allowed him, on his compliance with this Act, and the regulations of the Education Department. R. S. O. c. 204, s. 175.

Forfeiture of claim.

77. Any teacher or inspector who, having resumed his profession, draws or continues to draw upon the Superannuation Fund for any part of his allowance as a superannuated teacher, shall forfeit all claim to the fund, and his name shall be struck off the list of superannuated teachers.

Teachers not availing themselves of Act.

78. In the case of those teachers or inspectors who may not avail themselves of the provisions of sections 69 or 79 of this Act,

Act, the provisions of sections 70 to 79 inclusive shall apply so far as relates to all sums of money already paid into the fund for the support of superannuated teachers.

79. Any teacher who retires from the profession, or any teacher or inspector who desires to remove his name from the list of contributors to the Superannuated Teachers' Fund, shall be entitled to receive back from the Minister of Education one-half of any sums paid in by him or her to the fund, through the public school inspector, or otherwise. R. S. O. c. 204, s. 168. Repayment to contributors.

Holidays.

80.—(1) The separate school year shall consist of two terms: Terms. the first shall begin on the 3rd day of January, and end on the 1st day of July; the second shall begin on the 3rd Monday of August, and end on 23rd day of December. Every Saturday, every statutory holiday, and every day proclaimed a holiday by the municipal authorities in which the school section or division is situated, shall be a holiday in the separate schools. R. S. O. c. 204, ss. 13, 14; 43 V. c. 32, s. 1.

(2) In the case of cities, towns and incorporated villages the school terms shall be the same as the terms prescribed for high schools.

Penalties and Prohibitions.

81. No person shall wilfully make a false declaration of his right to vote at any school meeting or election of school trustees; and any person convicted of a contravention of this section, upon the complaint of any person, shall be punishable by fine or imprisonment, at the discretion of the Court of General Sessions, or by a penalty of not less than \$5, or more than \$10, to be sued for and recovered with costs before a Justice of the Peace, by the Separate School trustees of the city, town, village or school section for its use. R. S. O. c. 304, s. 24. Penalty for making a false declaration.

82. No trustee of a separate school shall hold the office of separate school Inspector, or be a master or teacher in the separate school of which he is a trustee: nor shall the master or teacher of any public, high or separate school hold the office of trustee of a separate school, nor shall an inspector be a teacher or trustee of any separate school while he holds the office of inspector. R. S. O. c. 205, s. 212. Trustees not to hold certain offices.

83. Any trustee who is convicted of any felony or misdemeanor, or becomes insane, or absents himself from the meetings of the board for three consecutive months, without being authorized by resolution entered upon its minutes, or ceases to be a resident within the school municipality for which he is a trustee, Seat vacated by conviction for crime, etc.

trustee, shall *ipso facto* vacate his seat, and the remaining trustees shall declare his seat vacant, and forthwith order a new election. R. S. O. c. 204, s. 38.

Seat vacated by interest in contract with corporation.

84. Any trustee who has any pecuniary interest, profit or promise, or expected benefit in, or from any contract, agreement or engagement, either in his own name, or the name of another with the corporation of which he is a member, or who receives, or expects to receive any compensation for any work, engagement, employment or duty, on behalf of such corporation, shall *ipso facto* vacate his seat, and every such contract, agreement, engagement or promise shall be null and void, and the remaining trustees, or a majority of them, shall declare the seat vacant, and forthwith order a new election. R. S. O. c. 204, s. 225 ; 44 V. c. 30, s. 13.

Penalty for disturbing a school or school meeting.

85. Any person who wilfully disturbs, interrupts or disquiets the proceedings of any school meeting authorized to be held by this Act, or any one who wilfully interrupts or disquiets any separate school established and conducted under its authority, or other school, by rude or indecent behaviour, or by making a noise either within the place where such school is kept or held, or so near thereto as to disturb the order or exercises of the school, shall, for each offence, on conviction thereof before a justice of the peace, on the oath of one credible witness, forfeit and pay for separate school purposes to the school section, city, town, or village within which the offence was committed, a sum not exceeding \$20, together with the costs of the conviction, as the said justices may think fit. R. S. O. c. 204, s. 249.

Penalty for refusing to serve as trustee.

86. If any person chosen as trustee refuses to serve, he shall forfeit the sum of \$5. R. S. O. c. 204, s. 236.

Penalty for refusing to perform duties.

87. Every person so chosen who has not refused to accept the office, and who at any time refuses, or neglects to perform its duties, shall forfeit the sum of \$20, to be sued for and recovered before a justice of the peace, by the trustees of the school section, or by any person whatsoever for its use, as authorized by this Act. R. S. O. c. 204, s. 237.

Penalty for refusing to exercise corporate powers.

88. If the trustees of any separate school wilfully neglect or refuse to exercise all the corporate powers vested in them by this Act, for the fulfilment of any contract or agreement made by them : any trustee or trustees so neglecting or refusing to exercise such power shall be held to be personally responsible for the fulfilment of such contract or agreement. R. S. O. c. 204, s. 238.

Liability for neglect to take security.

89. If the trustees of any separate school refuse, or neglect to take proper security from the secretary-treasurer, or other person

person to whom they entrust school moneys, they shall be held personally responsible for the moneys. R. S. O. c. 204, s. 229.

90. If any part of the separate school fund or moneys is embezzled or lost, through the dishonesty or faithlessness of any trustee, secretary-treasurer, or other person to whom it has been entrusted, and proper security against the loss has not been taken, the person or persons whose duty it was to have exacted the security shall be personally responsible for the sums so embezzled or lost; and such sums may be recovered from him or them, by the person entitled to receive the same, by action at law, in any court having jurisdiction to the amount, or by information at the suit of the Crown. R. S. O. c. 204, s. 230.

Responsibility in case of lost school moneys.

91.—(1) No secretary-treasurer appointed by the trustees of any separate school, and no person having been such secretary-treasurer, and no trustee or other person who may have in his possession any books, papers, chattels, or moneys, which came into his possession as such secretary-treasurer, trustee or otherwise, shall wrongfully withhold, or neglect, or refuse to deliver up, or account for, and pay over the same, or any part thereof to the person, and in the manner directed by a majority of such trustees then in office, or by other competent authority; and such withholding, neglect, or refusal to deliver up or account for, shall be punishable, as provided in the following three sections of this Act. R. S. O. c. 204, s. 231.

Penalty on secretary-treasurer, or trustee for refusing to account.

(2) Upon application to the Judge of the County Court, by a majority of the trustees, or by any two supporters of the separate school supported by their affidavit made before some justice of the peace, of such wrongful withholding or refusal, the Judge shall make an order that such secretary-treasurer, or person having been such secretary-treasurer or trustee, or other person, do appear before him, at a time and place to be appointed in the order. R. S. O. c. 204, s. 232.

Mode of proceeding.

(3) Any bailiff of a Division Court, upon being required by the Judge, shall serve the order personally on the person complained against, or leave the same with a grown-up person at his residence. R. S. O. c. 204, s. 232 (2).

92. At the time and place so appointed, the Judge being satisfied that service has been made, shall, in a summary manner, and whether the person complained of does or does not appear, hear the complaint, and if he is of opinion that the complaint is well founded the Judge shall order the person complained of to deliver up, account for, and pay over the books, papers, chattels, or moneys as aforesaid, by a certain day to be named by the Judge in the order, together with such reasonable costs incurred in making the application as the Judge may tax. R. S. O. c. 204, s. 233.

Judge to issue order.

93.

Effect of non-compliance with Judges' order.

93. In the event of a non-compliance with the terms specified in such order, or any, or either of them, the Judge shall order the said person to be forthwith arrested by the sheriff of any county in which he may be found, and to be committed to the common gaol of his county, there to remain without bail until the Judge be satisfied that the person has delivered up, accounted for, or paid over the books, papers, chattels, or moneys in question, in the manner directed by the majority of the trustees, or other competent authority, as aforesaid; upon proof of his having so done, the Judge shall make an order for his discharge, and he shall be discharged accordingly. R. S. O. c. 204, s. 234.

Other remedy not affected.

94. No such proceeding shall impair or affect any other remedy which the said trustees, or other competent authority, may have against the secretary-treasurer or person having been such secretary-treasurer or his sureties, or against any trustee or other person as aforesaid. R. S. O. c. 204, s. 235.

Penalty on trustees refusing information, etc., to auditors.

95. The trustees, or their secretary-treasurer in their behalf, shall not refuse to furnish the auditors of any accounts of a separate school, or either of them, with any papers or information in their power, and which may be required of them relative to their school accounts, and any contravention of this section upon prosecution therefor by either of the auditors, or any separate school supporter, shall be punished by fine or imprisonment, as provided by this Act. R. S. O. c. 204, s. 239.

Penalty for neglect to send half-yearly returns.

96.—(1) In case the trustees of any Separate school neglect to transmit to the Minister of Education, on or before the 30th day of June, and the 31st day of December in every year, a correct and verified statement of the average attendance of pupils in each of the schools under their charge during the six months then immediately preceding, then the school section shall not be entitled to the apportionment from the school fund for the said six months.

(2) The trustees so neglecting shall be personally responsible for the amount of the loss of such apportionment. R. S. O. c. 204, s. 240 and (2).

Penalty for neglecting yearly report.

97. In case the trustees of any separate school neglect to prepare and forward the aforesaid annual report to the Minister of Education by the 15th day of January in every year, each of them shall, for every week after such 15th day of January, and until such report has been prepared and presented, forfeit the sum of \$5, to be sued for by any supporter of such separate school and collected and applied in the manner provided for by this Act. R. S. O. c. 204, s. 241.

Penalty for false school reports and registers.

98.—(1) If any trustee of a separate school knowingly signs a false report, or if any teacher of a separate school keeps a false

a false school register, or makes a false return, with the view of obtaining a larger sum than the just proportion of school moneys coming to such school, the trustee or teacher shall, for every offence, forfeit to the board of separate school trustees for the purposes of such separate school the sum of \$20, for which any person whatever may prosecute him before a justice of the peace, and the trustee or teacher may be convicted on the oath of one credible witness other than the prosecutor.

(2) If upon conviction, the penalty is not forthwith paid, the same shall, under the warrant of the justice, be levied with costs by distress and sale of the goods and chattels of the offender. Recovery by distress.

(3) The penalty when so paid or collected, shall by the Justice be paid over to the said separate school. Application of penalty. R. S. O. c. 204 s. 242, (2, 3).

99.—(1) The trustees of every separate school shall be personally responsible for the amount of any school moneys forfeited by or lost to the separate school in consequence of the neglect of duty of the trustees during their continuance in office. Trustees personally responsible for moneys lost.

(2) The amount thus forfeited or lost shall be collected and applied in the manner provided for by this Act. R. S. O. c. 204, s. 228 and (2).

How Fines and Penalties may be Recovered.

100.—(1) Unless it is in this Act otherwise provided, all fines, penalties, and forfeitures recoverable by summary proceedings, may be sued for, recovered, and enforced with costs, by and before any Police Magistrate or justice of the peace having jurisdiction within the school section, city, town, or village in which such fine or penalty has been incurred. Recovery of penalties.

(2) If the fine or penalty and costs are not forthwith paid, the same shall, by and under the warrant of the convicting justice, be enforced, levied and collected with costs by distress and sale of the goods and chattels of the offender, and shall be by the police magistrate or justice paid over to the school treasurer of the separate school, city, town, or village, or other party entitled thereto.

(3) In default of such distress the police magistrate or justice shall, by his warrant, cause the offender to be imprisoned for any time not exceeding thirty days, unless the fine and costs, and the reasonable expenses of endeavouring to collect the same are sooner paid. R. S. O. c. 204, s. 250.

CHAPTER 47.

An Act to amend the Act respecting the Agricultural College.

[Assented to 25th March, 1886.]

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

43 V. c. 33, s.
3, amended.

1. Section 3, of the Act passed in the 43rd year of Her Majesty's reign, chapter 33, is hereby amended by striking out the words between the word 'apprenticeship' in the third line, and the word 'and' in the fifth line, and inserting in lieu thereof:

"And the hours of labour in such practical instruction shall be regulated by the President of the College with the approval of the Commissioner of Agriculture."

Section 6,
amended.

2. The following shall be inserted as sub-section 2 of section 6:

Advisory
Board.

(2) The Lieutenant-Governor in Council may appoint an Advisory Board of practical agriculturists to advise and assist the Commissioner of Agriculture in the management of the College and Farm, and may by Order in Council prescribe its duties and powers. The members appointed to the Board shall not exceed seven. The Assistant Commissioner of Agriculture shall be ex-officio a member of said Board. Three members thereof may, upon the constitution of the Board, be appointed for the period of one year, and the other members thereof for a period of two years. Subsequent appointments may be for a period of two years, and any retiring member shall be eligible for re-appointment.

Admission of
students free
of entrance
and tuition
fees.

3.—(1) Every county and every Territorial District in the Province may have the privilege of having during all College terms one student in attendance, and receiving instruction at the College, without the payment of any entrance or tuition fee. The County Council of each County shall nominate the student entitled to this privilege for the County, and the Advisory Board shall nominate the students for the Territorial Districts. Such student must be the son of a practical farmer resident in the County or District, and have lived on his parents' farm at least two years prior to his admission to the College.

(2) The Lieutenant-Governor in Council may prescribe the manner in which such students shall be nominated by the County Councils and Advisory Board.

Orders in
Council
to be laid

4. Every Order in Council under this Act shall be laid before the Legislative Assembly forthwith, if the Legislature is

is in session at the date of the Order, and if the Legislature is not then in session, the Order is to be laid before the said Assembly within the first fourteen days of the session next after the Order in Council is made; and in case the Assembly at the said session (or if the session does not continue for three weeks after the Order is laid before the House then, at the ensuing session of the Legislature) disapprove by resolution of the Order in Council; the same so far as so disapproved of, shall have no effect from the time of such resolution being passed.

5. The members of the Advisory Board appointed by the Lieutenant-Governor in Council shall be paid for attending the meetings of the Board an allowance not exceeding \$4 per day, and also their actual necessary travelling expenses in attending said meetings.

CHAPTER 48.

An Act to amend the Act respecting the application of the Religious Institutions Act to the Church of England.

[Assented to 25th March, 1886.]

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. The Act passed in the 41st year of Her Majesty's reign intituled *An Act to extend the Religious Institutions Act to the Church of England*, as amended by the Act passed in the 42nd year of Her Majesty's reign, chapter 37, is hereby amended by adding as sub-sections 4 and 5 to section 1 of the said Act the following:

(4) In cases of property vested in the Bishop of any Diocese in trust, not covered by the preceding sub-section, the Bishop shall also be deemed and taken to be a trustee by whom the like powers of trustees under the said Revised Statute respecting Religious Institutions may be exercised equally, as in the case of such trustees; subject, however, to the provisions contained in section 2 of this Act.

(5) In cases of property vested in the Synod of any Diocese within the Act passed in the 7th year of Her Majesty's reign, chapter 68, intituled *An Act to incorporate the Church Societies of the United Church of England and Ireland in the Dioceses of Quebec and Toronto*, and the Act passed in the

32nd year of Her Majesty's reign, chapter 51, intituled *An Act to incorporate the Synod of the Diocese of Toronto and to unite the Church Society of the Diocese of Toronto therewith*, the Synod shall also be deemed and taken to be a Trustee, by whom the like rights and powers of Trustees under the said Revised Statute respecting Religious Institutions may be exercised equally, as in the case of such Trustees; subject, however, to the provisions contained in section 2 of this Act, and the powers of the Synod under this sub-section may be exercised by and through such Boards and Committees as the Synod may, from time to time, by by-law appoint for that purpose.

CHAPTER 49.

An Act to amend the Act to establish an Industrial Refuge for Girls.

[Assented to 25th March, 1886.]

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

42 V. c. 39, s. 18, repealed.

1. Section 18 of the Act passed in the 42nd year of Her Majesty's reign, chaptered 39, intituled *An Act to Establish an Industrial Refuge for Girls*, is hereby repealed and the following sections shall be substituted therefor:—

Power to bind girls as apprentices.

18. In case any respectable and trustworthy person is willing to undertake the charge of any girl committed to the said Industrial Refuge, either under this Act or any other Act of the Legislature of this Province, whether she be over or under the age of twelve years, as an apprentice to the trade or calling of such person, or for the purpose of domestic service, the superintendent may, with the consent of the Inspector of Prisons, bind the said girl to such person for any term not to extend beyond the girl's attaining the age of eighteen years, and the Inspector shall, thereupon order that such girl shall be absolutely discharged, or discharged on probation, and she shall be discharged accordingly; any wages reserved in any such indenture, shall be payable to the girl or to some other person for her benefit.

Recommittal of girls discharged on probation.

19.—(1) The Judge of any County Court or any Police Magistrate, or the Inspector of Prisons may upon satisfactory proof that any girl, who was sentenced under the provisions of this Act or any other Act of the Legislature of this Province, and who has been discharged on probation, has violated the conditions

tions of her discharge, order such girl to be re-committed to the said Refuge, and thereupon she shall be detained therein under her original sentence, as if she had never been discharged.

(2) The said proof may be by oral evidence, and each of the said officers is hereby authorized to administer an oath to any person requiring to give evidence under this section.

CHAPTER 50.

An Act to amend the Act respecting Private Lunatic Asylums.

[Assented to 25th March, 1886.]

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. Section 41 of chapter 221 of the Revised Statutes of Ontario, intituled *An Act respecting Private Lunatic Asylums*, R. S. O. c. 221, s. 41, repealed. is repealed, and the following substituted therefor:—

41. Every physician who signs any such certificate shall specify therein that he has personally examined the person to whom such certificate relates, and that from such examination, and from the evidence adduced before him, he is of opinion that such person is a lunatic (or an insane person, or an idiot, or a person of unsound mind) and a proper person to be confined in an asylum, and shall also specify in such certificate the fact or facts and the evidence adduced before him which led to such opinion, and he shall therein distinguish the facts observed by himself from facts communicated to him by others. Facts to be certified.

2. Section 63 of the said Act is hereby amended by adding thereto the following sub-section:— R. S. O. c. 221, s. 63, amended.

(2.) The proprietor or resident superintendent of every licensed house shall, within five days after the admission of any lunatic, or of an insane or idiotic patient, or of a person of unsound mind, to such licensed house, report to the Inspector of Prisons and Public Charities for Ontario, the fact of such admission, together with copies of the certificates and papers upon which the patient was admitted, and shall at any and all times furnish to the Inspector such other reports and information relative to any such patient or patients as may be required by him. Report to be made to Inspector.

CHAPTER 51.

An Act respecting the Village of Beeton.

[Assented to 25th March, 1886.]

Preamble.

WHEREAS the municipal council of the corporation of the County of Simcoe, did on the 18th day of June, in the year of our Lord 1884, pass a by-law intituled "A by-law separating the Village of Beeton, in the Township of Tecumseth, in the County of Simcoe, from the corporation of the Township of Tecumseth, and forming it into a separate corporation under the style and title of the Village of Beeton," which said by-law is numbered 379; and whereas the same has been acted on as to elections, municipal government, education, equalization of taxes, and otherwise in connection with said village; and whereas after the same had been so acted on, and on or about the 5th day of June, 1885, certain legal and technical objections were taken to the validity of said by-law by a motion to quash the same, which motion is still pending in the Court of Appeal for decision; and whereas it appears in the event of the same being quashed at this late stage, that great disturbance and inconvenience would be caused, not only to the municipal and educational affairs of the said Village of Beeton, but also to the Township of Tecumseth and the County of Simcoe generally, with regard to the rates, equalization thereof, and the franchise and otherwise; and whereas a decision on the said motion would not necessarily settle the question of the said by-law, and the status of the said village in any case; and whereas there are certain clerical differences between the description of the boundaries of the said village in said by-law number 379, and the by-law of the said corporation of the county of Simcoe, numbered 376, appointing the census enumerator, which differences, however, do not affect the number of inhabitants or the question of incorporation; and whereas certain ratepayers of the said Village of Beeton have petitioned, praying that the said by-law and all acts done thereunder be legalized, and that an Act may be passed to confirm and legalize the said by-law number 379 of the said County of Simcoe, and to confirm all and everything done thereunder, and it is expedient to grant the prayer of the said petition:

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

By-law 379
of County of
Simcoe con-
firmed.

1. The said by-law number 379 of the municipal council of the County of Simcoe, above in part recited, is hereby confirmed and declared to be a legal and valid by-law to all intents and purposes, and all acts, matters or things done, or assumed to have been done under or by virtue, or in consequence of the said

said by-law are hereby declared to have been as validly and legally done as if the said by-law had been a valid and legal by-law when passed as now confirmed and to be binding upon the said corporation of the said Village of Beeton and the ratepayers thereof.

2. The expenses of obtaining this Act shall be borne by the said Village of Beeton, and paid to any party entitled thereto. Expenses of Act.

3. Nothing in this Act contained shall be held to affect the rights of the parties to the said litigation as regards the costs thereof. Costs of pending litigation not affected.

CHAPTER 52.

An Act Respecting the Town of Bowmanville.

[Assented to 25th March, 1886.]

WHEREAS the Corporation of the Town of Bowmanville Preamble. have by their petition shewn that under and by virtue of the authority in them vested by virtue of an Act of the Parliament of the late Province of Canada, passed in the 23rd year of the reign of Her Majesty, Queen Victoria, and chaptered 90, consolidating the debt of the said Town; and of an Act passed in the session of the said Parliament, held in the 27th and 28th years of the reign of Her Majesty, and chaptered 73, amending the former Act; and of an Act of the Legislature of Ontario, passed in the 37th year of Her said Majesty's reign, and chaptered 71, further amending the said former Act, they issued debentures creating a debt to the amount of \$71,600, of which \$46,804 are still unpaid and outstanding, of which \$38,000 will mature and become payable as follows, namely: \$30,000 during the year 1886, and the balance of \$8,000 during the year 1887, and funds have not been provided by the said corporation for redeeming such outstanding debentures as the same shall become due and payable; and whereas the said corporation of the Town of Bowmanville further shew that the payment to be made of said debentures so falling due and payable as aforesaid, would be oppressive to the ratepayers of said town, and the said corporation have prayed that an Act may be passed authorizing and empowering the said corporation to issue in the year 1886, debentures to the extent of \$30,000, and in the year 1887 debentures to the extent of \$8,000, and to borrow on said debentures so to be issued such an amount as will enable them to meet the said debentures so maturing, and to become due as aforesaid, in the said years respectively; and whereas it is expedient to grant the prayer of the said petition;

Therefore

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows :—

Power to
issue debentures for
\$38,000.

1. The Corporation of the Town of Bowmanville may from time to time during the years 1886 and 1887 pass a by-law or by-laws, authorizing the issue of new debentures of the said town, for an amount not exceeding in the year 1886 \$30,000, and in the year 1887, \$8,000, for the purpose of retiring or renewing a portion of the debentures now outstanding against the said town, and falling due within the year in which such new debentures may be issued as aforesaid, and such new debentures to be issued as aforesaid under said by-law or by-laws, may be made payable within this Province, in Great Britain, or elsewhere, as the said corporation may by by-law or by-laws direct or shall deem expedient, and payable either in sterling or Canadian currency, with power to said corporation to issue debentures for the full sum of \$38,000 in the year 1886, should they see fit so to do.

Power to
make loan for
\$38,000.

2. It shall and may be lawful to and for the said Corporation of the Town of Bowmanville to raise by way of loan upon the credit of the debentures hereinbefore mentioned, and by this Act authorized to be issued, from any person or persons, body or bodies corporate, either in this Province, in Great Britain, or elsewhere, who may be willing to lend the same, a sum of money not exceeding \$38,000 of lawful money of Canada, and to impose in and by said by-law or by-laws a special rate per annum on the whole ratable property of the said municipality to be called the "Debenture Loan Rate," over and above and in addition to all other rates to be levied in each year, which shall be duly levied in each year, and shall be sufficient to pay the sums falling due annually for principal and interest.

Issue of debentures for amount of loan.

3. It shall and may be lawful for the Municipal Council of the said Corporation of the Town of Bowmanville, after the passing of such by-law or by-laws authorizing the same in accordance with this Act, to cause to be issued debentures of the said corporation under the Corporate Seal, signed by the Mayor, and countersigned by the Treasurer and Clerk of the said corporation, for the time being for such sums not exceeding in the whole the said sum of \$38,000, as the said Council shall direct and appoint, bearing interest at a rate not to exceed six per centum per annum, payable half-yearly or yearly, as the said Council shall appoint.

Where debentures payable.

4. The principal sum to be secured by the debentures to be issued under the preceding sections of this Act, shall be payable either in sterling or Canadian currency, and the same with interest accruing thereon may be made payable either in
this

this Province, in Great Britain, or elsewhere, as the said Council may by the by-law or by-laws direct or shall deem expedient, and a portion of the said debentures issued under any such by-laws shall be made payable in each year for twenty-five years, from the time at which the by-law authorizing the issue of the same shall take effect, and so that the sums to be levied for principal and interest shall be as nearly equal in each year as may be, and it shall not be necessary to levy for or provide any sinking fund to retire the said debentures.

5. It shall not be necessary to obtain the assent of the electors of the said Town of Bowmanville to the passing of any by-law or by-laws under this Act, nor of the Lieutenant-Governor in Council, either under *The Consolidated Municipal Act, 1883*, or any other general Act now or hereafter to be in force in this Province; and subject as aforesaid, the said new debentures to be issued as aforesaid under said by-law or by-laws, and all moneys arising therefrom shall, to the full extent thereof, be applied only to retire and redeem the said outstanding debentures so maturing and becoming due as aforesaid in the years 1886 and 1887 respectively.

6. Sections 411, 412 and 413 of *The Consolidated Municipal Act, 1883*, shall be deemed applicable to the debentures to be issued in pursuance of the provisions of this Act, and shall be deemed to be incorporated in this Act

Assent of
electors to
by-laws
not required.

46 V. c. 18, ss.
411, 412 and
413, incorpor-
ated.

CHAPTER 53.

An Act Respecting a Certain Agreement between the City of Brantford and the Grand Trunk Railway Company.

[Assented to 25th March, 1886.]

WHEREAS a certain agreement dated the thirtieth day of September, in the year of our Lord 1885, was entered into between the Grand Trunk Railway Company of Canada, and the corporation of the City of Brantford (which agreement forms the schedule of this Act), for the purposes in said agreement specified; and whereas the said company have paid the sum of money in the said agreement mentioned, and desire to remove all doubt which may be raised as to the validity of the said agreement; and whereas the said company have by their petition prayed that an Act may be passed confirming the said agreement, and it is expedient to grant the prayer of the said petition;

Preamble.

Therefore

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows :—

Agreement in
schedule
confirmed.

1. The agreement set out in the schedule to this Act is hereby declared legal, valid and binding to all intents, and for all purposes as if set out at length in this Act.

SCHEDULE.

This agreement made this thirtieth day of September, in the year of our Lord one thousand eight hundred and eighty-five,

BY AND BETWEEN :

THE CORPORATION OF THE CITY OF BRANTFORD

of the first part, and

THE GRAND TRUNK RAILWAY COMPANY OF CANADA

of the second part.

Whereas the said party of the first part have complained that water flows along a part of the line of railway of the party of the second part, between Paris and the said City of Brantford, and is by the ditches of the party of the second part thrown on to the Paris road, and then on to certain streets of the said city, causing to the city great inconvenience and injury ; and whereas the party of the second part have offered the party of the first part the sum of \$4,000, if they, the said party of the first part, will by some efficient means, and in some efficient and proper manner as may be deemed best, catch and take off all water so coming down the said ditches of the party of the second part from the direction aforesaid, and hereafter will well and efficiently keep and maintain the said means of escape for said water, so that no further claims will be made at any time hereafter by the said corporation or any other party or persons in respect thereof.

Therefore this agreement witnesseth :

1. That in this agreement the words " the corporation " shall mean and shall be taken and held to mean the party hereto of the first part, and the words " the company " shall mean and shall be taken and held to mean the party hereto of the second part.

2. That in consideration of the said sum of \$4,000 to be paid by the company to the corporation, the corporation cove-
nant

nant and agree with the company, that they will by some good and efficient means, and in a good, efficient and proper manner, and at their own cost, take, catch and lead away all the water which at any time, and from time to time hereafter, may run down the company's railway or the ditches thereof from the direction of Paris to the said Paris road and the said City of Brantford; that the said water shall be intercepted at the point where the said company's railway crosses the Paris road, in or adjoining the said City of Brantford, or such other point as may, before the work is commenced, be approved by the company's engineer.

3. That the water shall be so taken away that the said water at any and all times hereafter flowing down said railway towards said intersection of the railway with said Paris road shall do no injury to public or private property, and that such shall continue to be the case for all time hereafter.

4. That against all claims by reason of water flowing down from the said part of the company's railway towards said intersection of said Paris road from the direction of Paris aforesaid, and into or upon any street or property below the intersection, or at said intersection of said Paris road with the company's said railway, the said the corporation of the City of Brantford will indemnify and save harmless, and warrant and defend the company in all respects.

5. It is further agreed that on the execution of this agreement, and the interchange thereof by the said parties, the company will, as the consideration in full for said indemnity and performance of the work above mentioned, pay to the said corporation the sum of \$4,000.

6. It is also agreed that in case the company so desire, the corporation will by all lawful means in their power, assist in getting from the Legislature of Ontario an Act to confirm in all respects this agreement, and that the said application may be made when, and from time to time, until obtained as the company may desire, and that they will bear and pay one half of the expenses incurred in obtaining said Act, the company paying the other half. In witness whereof the said parties hereto have hereunto affixed their corporate seal, on the day and year first above written.

Signed, sealed and delivered }
in presence of }

The Corporation of the City
of Brantford,

By

Mayor.

Clerk.

CHAPTER

CHAPTER 54.

An Act to authorize the Village of Caledonia to issue certain Debentures.

[Assented to 25th March, 1886.]

Preamble.

WHEREAS the Corporation of the Village of Caledonia, in the County of Haldimand, have by their petition represented that on the first day of July, 1886, there will mature eight debentures of said Corporation of \$1,000 each, and on the first day of July, 1891, four other debentures also of \$1,000 each; and whereas the said corporation have further represented that funds have not been provided for redeeming said debentures and that it would be oppressive upon the rate-payers of said village to levy rates to meet the same as they become due, but that it would be in their interest to obtain an Act authorizing the issue of debentures maturing within twenty years in order to retire the same; and whereas it is expedient to grant the prayer of the said petition;

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

Issue of certain debentures authorized.

1. It shall be lawful for the said corporation from time to time to pass a by-law or by-laws authorizing the issue of debentures under the corporate seal of the said corporation, signed by the reeve and countersigned by the treasurer for the time being of said village; said debentures, to be for \$500 each, and not to exceed twenty-four in number.

Mode in which debentures are to be payable.

2. The said debentures shall be payable respectively on the first day of July in each year, in accordance with Schedule A of this Act, and coupons shall be attached thereto for the payment of interest thereon at the rate of six per cent. per annum, and the interest shall be payable half yearly on the first days of January and July in each year, at the places mentioned in the said debentures, and in the coupons attached thereto.

Application of debentures.

3. The said debentures in the preceding section mentioned, shall be exchanged for the twelve debentures of \$1,000 each first herein above mentioned, or the proceeds thereof applied to the redemption of said debentures first herein above mentioned, or in part for each of said purposes and not otherwise.

Form of debentures.

4. The debentures to be issued under this Act may be in the form contained in the Schedule B to this Act.

Form of by-law.

5. The by-law or by-laws for the issuing of the debentures authorized by this Act may be in the form of Schedule C to this Act.

6. No irregularity in the form of the said debentures or any of them, or of any by-law authorising the issue thereof, shall render the same invalid or illegal, or be allowed as a defence to any action brought against the said corporation for the recovery of the amount of the said debentures and interest, or any or either of them, or any part thereof.

Debentures or
by-law not
invalidated by
irregularities.

7. It shall not be necessary to obtain the assent of the electors of the said village for the passing of any by-law under this Act, or to observe in relation thereto the formalities prescribed by *The Consolidated Municipal Act 1883*, or any Act amending the same.

Assent of
electors to by-
law not
required.

8. This Act may be cited as "*The Village of Caledonia Debenture Act, 1886.*"

Mode of
citation.

SCHEDULE A.

(Section 2.)

Debentures authorized to be issued under this Act with year of payment:

Year payable.	Amount.	Year payable.	Amount.
1888	\$ 500	1897	\$ 500
1889	500	1898	500
1890	500	1899	1,000
1891	500	1900	500
1892	500	1901	500
1893	1,000	1902	1,000
1894	500	1903	500
1895	500	1904	1,000
1896	1,000	1905	1,000

SCHEDULE B.

(Section 4.)

PROVINCE OF ONTARIO, VILLAGE OF CALEDONIA.

Under and by virtue of *The Village of Caledonia Debenture Act, 1886*, the Corporation of the Village of Caledonia, in the County of Haldimand, promise to pay the bearer at

the sum of \$500 on the first day of July, 18 and the half yearly coupons for interest thereon, hereto attached, as the same shall severally become due.

Dated, at Caledonia, Ontario, this day of A.D. 18.

SCHEDULE C.

(Section 5.)

By-law to authorize the issue of debentures for the sum of under the authority of *The Village of Caledonia Debenture Act, 1886.*

Whereas the said Act authorizes the issue of debentures for the purpose therein mentioned not exceeding \$12,000 in the whole, as the corporation of the Village of Caledonia, in the County of Haldimand, may, in pursuance of, and in conformity with, the provisions of the said Act, direct ;

And whereas for the purpose mentioned in the said Act, it is necessary and expedient to issue debentures to the extent of \$ payable with interest thereon at the rate of six per centum per annum, payable half yearly according to the coupons to the said debentures attached ;

And whereas the amount of the whole ratable property of the said village, according to the last revised assessment roll, being for the year 18 was ;

Therefore the corporation of the said village, enacts as follows :

1. That debentures under the said Act and for the purpose therein mentioned to the extent of the sum of payable as aforesaid, are hereby authorized and directed to be issued.

2. The said debentures shall have coupons thereto attached for the payment of interest at the rate of six per centum per annum, payable half yearly on the first days of January and July in each year.

This by-law passed in open council, this day of in the year of Our Lord, 18

CHAPTER 55.

An Act to Incorporate the Village of Huntsville.

[Assented to 25th March, 1886.]

WHEREAS the inhabitants of the Village of Huntsville, in Preamble,
the district of Muskoka, have by their petition represented that the said village has a population of seven hundred and fifty souls, and that the incorporation of the said village would promote its progress and prosperity, and have prayed for its incorporation accordingly, and it is expedient to grant the prayer of the said petition;

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. On and after the passing of this Act the inhabitants of the said Village of Huntsville confined within the boundary hereinafter mentioned, shall be and are hereby constituted a body corporate, separate and apart from the Township of Chaffey in which the said village is now situate, under the name of "The Corporation of the Village of Huntsville," and shall enjoy all such rights, powers and privileges as are now or shall be hereafter conferred on incorporated villages in the Province of Ontario. Village of
Huntsville
incorporated.

2. The said Village of Huntsville shall be contained within the following limits, namely, commencing on the boundary line between lots numbers sixteen and seventeen, in the second concession of the Township of Chaffey, ten chains north of the blind line between the first and second concessions; thence westerly on a line parallel to the said blind line across lots numbers sixteen, fifteen, fourteen and thirteen, to the southerly bank of the Muskoka River; thence westerly following the various windings of the said river along its southern bank to its intersection with the limit between lots numbers nine and ten in the first concession; thence southerly along said limit to a point distant thirty chains, and fifty links from the boundary line between the Townships of Chaffey and Brunel; thence easterly parallel to the aforesaid boundary line between the Townships of Chaffey and Brunel, across lots numbers eleven, twelve, thirteen, fourteen and fifteen, to the westerly limit of road allowance between lots numbers fifteen and sixteen in the said first concession, thence northerly along said westerly limit to the northerly bank of Muskoka River; thence easterly along said bank to Fairy Lake, thence following the north-westerly coast of Fairy Lake to its intersection with the blind line between the first and second concessions of the aforesaid Township of Chaffey; Boundaries.

Chaffey ; thence westerly along the said blind line to the limit between lots numbers sixteen and seventeen, in the second concession northerly along said limit, a distance of ten chains, to the place of beginning, and containing, by estimation five hundred acres exclusive of the waters of Muskoka River, and of streets.

First election
of Reeve and
Council.

3. Immediately after the passing of this Act it shall be lawful for Henry Steven May, Esq., of the said village, who is hereby appointed the Returning Officer, to hold the nomination for the first election of Reeve and four councillors, and he shall give at least eight days' notice thereof by causing at least ten notices to be posted up in conspicuous places and one insertion in a newspaper (if any), published in the village and he shall preside at such nomination or in case of his absence the electors present shall choose from among themselves a chairman who shall officiate and shall have all the powers of a Returning Officer, and the polling for the said election, in the event of a poll being required, shall be held on the same day of the week in the week next following the said nomination, and the duties of the said Returning Officer shall be the same as those required by law in respect of incorporated villages.

Qualification
of electors
and officers.

4. At the first election the qualification of the electors and of the Reeve and councillors for the said village shall be the same as that required in Townships, and at all subsequent elections the qualification of the electors and of the Reeve, councillors and other officers shall be the same as that required in incorporated villages.

Clerk of town-
ship of
Chaffey to
furnish copies
of the rolls.

5. The township clerk of Chaffey shall furnish the said Returning officer, upon demand being made upon him for the same, with a certified copy of so much of the last revised assessment roll of the said township as may be required to ascertain the names of persons entitled to vote at such first election or with the the collector's roll or any other writing, or statement that may be necessary for that purpose.

First meeting
of Council.

6 The Reeve and councillors so to be elected shall hold their first meeting in the Court House at the hour of noon on the same day of the week in the week next following the polling, or if there be no polling, on the same day of the week in the week next following the nomination.

Acts respect-
ing municipal
institutions to
apply.

7. Except as otherwise provided by this Act, the provisions of *The Consolidated Municipal Act, 1883*, and of all other general Acts respecting municipal institutions with regard to matters consequent on the formation of new corporations, and other provisions of the said Acts applicable to incorporated villages, shall apply to the Village of Huntsville in the same manner

manner as they would have been applicable had the said Village of Huntsville been incorporated under the provisions of the said Act.

8. The expenses of obtaining this Act and of furnishing any copies of any documents, writings, papers or any matter what-^{Expenses of Act.} ever required by the clerk of the said village or otherwise shall be borne by the said village, and paid to any party entitled thereto.

CHAPTER 56.

An Act to Authorize the Town of Ingersoll to Issue Certain Debentures.

[Assented to 25th March, 1886.]

WHEREAS the Municipal Corporation of the Town of Ingersoll by their petition have represented that they have at various times passed certain by-laws authorizing the issue of debentures in aid of railways, the erection of public school buildings and other permanent improvements, and have issued under such by-laws debentures creating debts to the amount of \$102,000, which said debentures (with the exception of \$26,000, which matured and were paid on the 1st January, 1886), are all now outstanding, being the sum of \$76,000, which fall due at various times, and no funds have been provided by way of sinking fund or otherwise, for redeeming any portion of the said outstanding debentures; and whereas the said corporation of the Town of Ingersoll have incurred other debts and liabilities to the amount of \$18,000 or thereabouts, for which no provision has been made, making a total outstanding indebtedness of \$94,000; and whereas the said corporation did receive from the Credit Valley Railway Company, bonds of the said company to the amount of \$50,000, in exchange for \$60,000 of the debentures of the said Town of Ingersoll, and which said debentures form a part of the said \$76,000 of debentures now outstanding; and whereas the said corporation of the Town of Ingersoll did afterwards exchange the said bonds of the Credit Valley Railway Company and accrued interest thereon, for permanent debenture stock in the Ontario and Quebec Railway Company to the amount of £11,716 sterling, which said debenture stock in said railway company has since the filing of the petition herein been sold for the sum of about \$57,000, and the proceeds of which now form part of the assets of the said town of Ingersoll, and it is intended to apply the same towards
the

the payment of the said \$60,000 of debentures of the said town so exchanged for the said bonds; and whereas in paying the debentures to the amount of \$26,000 of the said town which matured on the 1st January, 1886, there was used and applied the sum of \$5,453.38, which had been levied and raised, as a sinking fund, by assessment upon the taxable property of the public school supporters in the said town, to apply towards the payment of debentures to the amount of \$10,000 issued for public school purposes, which form a part of the said \$76,000, for which debentures are now outstanding as aforesaid, and which are the only debentures which have been issued for public school purposes by the said Town of Ingersoll; and whereas the said corporation of the Town of Ingersoll desire to have the proceeds of the sale of the said debenture stock of the Ontario and Quebec Railway Company specifically applied to the payment of the said debentures or other existing indebtedness of the said town, and further to raise by assessment upon the taxable property of public school supporters in the said town the sum of \$4,546.62 only, to complete and fulfil the obligation resting on the said public school supporters, to provide for the balance of the payment of the said \$10,000 of debentures issued for public school purposes, and to consolidate the said debts of \$94,000, and to discharge the said indebtedness by the application of the proceeds of the sale of the said permanent debenture stock in the Ontario and Quebec Railway Company, and by the issue of new debentures to such amount as may be necessary to discharge the balance of the said indebtedness after applying the proceeds of the sale of the said permanent debenture stock, and not exceeding in any case the sum of \$40,000; and whereas the said corporation have prayed for the passing of an Act to entitle them to carry out the said object, and it is expedient to grant the prayer of the said petition:

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

Debts consolidated at the sum of \$94,000.

1. The debts of the corporation of the Town of Ingersoll are hereby consolidated at the sum of \$94,000, and it shall and may be lawful for the said corporation of the Town of Ingersoll to raise by way of loan upon the credit of the debentures hereinafter mentioned, and by this Act authorized to be issued, from any person or persons, body or bodies corporate, either in this Province, in Great Britain, or elsewhere, who may be willing to lend the same a sum of money not exceeding \$40,000 of lawful money of Canada.

Authority to pass by-laws for issue of new debentures.

2. It shall be lawful for the said corporation of the Town of Ingersoll, in the County of Oxford, to pass a by-law, or from time to time to pass by-laws, authorizing the said loan of \$40,000, and the issuing of debentures therefor in accordance with this Act, and to impose in and by said by-law a special rate per annum

annum on the whole ratable property of the said municipality, to be called "The Consolidated Loan Rate," over and above and in addition to all other rates to be levied in each year, which shall be duly levied in each year, and shall be sufficient, together with the sum hereinafter authorized to be raised by assessment on the taxable property of the supporters of public schools, to pay the sums falling due annually for interest, and to provide a fund for the due payment of the principal (when the same shall fall due) of the debentures hereby authorized to be issued.

3. The said municipal corporation of the Town of Ingersoll shall raise by assessment upon the taxable property of public school supporters, over and above and in addition to all other rates, such sum or sums, from year to year, and proportionately in each year, as shall in the aggregate amount to the sum of \$4,546.62 and no more, which shall form a part of the Consolidated Loan Rate for the purpose specified in the preceding section of this Act.

Special rate to be levied on public school supporters.

4. It shall be lawful for the municipal council of the said corporation of the Town of Ingersoll, after the passing of such by-law or by-laws authorizing the same in accordance with this Act, to cause to be issued debentures of the said corporation, under the corporate seal, signed by the Mayor and countersigned by the Treasurer of the said corporation for the time being, for such sums not exceeding in the whole the said sum of \$40,000, as the said council shall direct and appoint, bearing interest at a rate not exceeding six per cent. per annum, payable yearly or half yearly, as by said by-law or by-laws may be provided.

Debentures may be issued to the amount of \$40,000.

5. The principal sum to be secured by the debentures to be issued under the preceding section of this Act, shall be payable either in sterling or currency, and the same with the interest accruing thereon may be made payable either in this Province, or in Great Britain, or elsewhere, as the said council may, by the by-law or by-laws, direct or shall deem expedient; and a portion of the said debentures issued under any such by-law shall be made payable in each year for a period not exceeding thirty years from the time at which the by-law authorizing the issue of the same shall take effect, and so that the sums to be levied for principal and interest shall be as nearly equal in each year as may be, and it shall not be necessary to levy for or provide any sinking fund to retire the said debentures.

Debentures when and how payable.

6. The funds derived from the negotiation and sale of said debentures, and from the said sale of the said permanent debenture stock in the Ontario and Quebec Railway Company shall be applied in and toward the payment of the said debts of \$94,000 and not otherwise, and for that purpose the said council shall and it shall be the duty of the treasurer, by and

Application of funds.

and with the consent and approbation of the council, from time to time to invest all moneys so received, either in the redemption of any of the outstanding debts, or debentures, or in Government securities, municipal debentures, or in first mortgages on real estate held and used for farming purposes, and being the first lien on such real estate, but not to a greater extent than one-half of the assessed value of such real estate, or in such manner as the Lieutenant-Governor in Council may, by general or special order direct, or he may deposit the same in any chartered bank of the Dominion of Canada that the council may from time to time approve.

Assent of electors to by-laws not required.

7. It shall not be necessary to obtain the assent of the electors of the said town to the passing of any by-law which shall be passed under the provisions of this Act, or to observe the formalities in relation thereto prescribed by *The Consolidated Municipal Act, 1883*.

Outstanding debentures may be called in.

8. The treasurer of the said town shall, on receiving instructions from said council so to do, from time to time, but only with the consent of the holders thereof, call in any of the now outstanding debts and liabilities specially provided for by this Act, and shall discharge and satisfy the same with the funds raised under this Act, or may, with the like consent, substitute therefor the said debentures, or any of them, hereinbefore authorized to be issued by this Act, upon such terms as may be agreed upon between the said council and the said holders of the said outstanding debts and liabilities.

By-laws not to be repealed until debt satisfied.

9. Any by-law to be passed under section 2 of this Act, and in pursuance of the provisions of this Act authorising the said loan, shall not be repealed until the debt created under such by-law and the interest thereon, shall be paid and satisfied.

Treasurer to keep books, shewing state of debenture account.

10. It shall be the duty of the treasurer, from time to time, of the said town, to keep, and it shall be the duty of each of the members, from time to time, of the said municipal council, to procure such treasurer to keep and see that he does keep a proper book of account, setting forth a full and particular statement, so that the same shall at all times shew the number of debentures which, from time to time, shall be issued under the powers conferred by this Act, and the respective amounts, payment of which is thereby secured, and the times at which the said debentures shall respectively become due and payable, and the several amounts which shall, from time to time, be realized from the sales or negotiation of the said debentures, and the application which shall, from time to time, be made of the said amounts; and as to so much thereof as shall, at any time or times, be deposited or invested as directed by section 6 of this Act, the said book of account and statement shall set forth and shew the amount and the place and places of such

such deposits and the amount, the mode and nature and place or places of such investments, and the terms and conditions upon which such deposits or investments shall, from time to time, be made, and the said book of account and statement shall at all times and at all reasonable hours be open to the inspection of any ratepayer of the said town and of any of the holders, from time to time, of the debentures which shall be issued under the powers hereby conferred, or of any of such debentures.

11. Every debenture issued under the authority of this Act shall have upon the face of it written and printed the words "Consolidated Loan Debenture," and any provisions in the Acts respecting municipal institutions in the Province of Ontario, which are or may be inconsistent with the provisions of this Act or any of them, shall not apply to the by-law or by-laws to be passed by the said corporation under the provisions of this Act, and no irregularity in the form, either of the said debentures authorized to be issued by this Act, or by the by-law or by-laws authorizing the issuing thereof, shall render the same invalid or illegal, or be allowed as a defence to any action brought against the said corporation for the recovery of the amount of the said debentures and interest, or any or either of them or any part thereof.

Inconsistent provisions in Municipal Acts not to apply.

12. Sections 411, 412 and 413 of *The Consolidated Municipal Act, 1883*, shall be deemed applicable to the debentures to be issued in pursuance of the provisions of this Act, and shall be deemed to be incorporated in this Act.

46 V. c. 18, ss. 411-413 incorporated in this Act.

13. Nothing in this Act contained shall be held or taken to discharge the corporation of the Town of Ingersoll from any indebtedness or liability which may not be included in the said indebtedness above stated.

Liability of corporation not discharged.

CHAPTER 57.

An Act to authorize the City of London to aid the London and South-Eastern Railway Company and other Railways.

[Assented to 25th March, 1886.]

WHEREAS the Municipal Council of the corporation of the City of London has presented its petition setting forth that the said municipal council has submitted to the vote of the qualified electors of the said City of London, a by-law to authorize the said council to grant to the London and South-Eastern Railway Company a bonus not exceeding the sum of \$75,000

Preamble.

\$75,000, on certain conditions in the said by-law set forth, and such other conditions as to the said council may seem meet: that the said by-law has received the assent of a large majority of the said electors, and that doubts exist as to the validity of the said by-law and the power of the said municipal council to pass the same without legislative authority, and that the said municipal council is desirous of aiding other railways for the purpose of affording additional traffic facilities, for the use of the said city and the surrounding country, to the amount of not more than \$150,000, and have prayed for the passing of an Act to enable the said council to pass the necessary by-laws for the purposes aforesaid, and it is expedient to grant the prayer of the said petition;

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

Corporation of City of London, authorized to grant bonus of \$75,000.

1. It shall be lawful for the corporation of the City of London, notwithstanding the provisions of section 7 of the Act passed in the 35th year of Her Majesty's reign, intituled, *An Act Respecting the Debt of the City of London*, or any other Act or law to aid the London and South-Eastern Railway Company, by granting to it a bonus, or loan, or part bonus and part loan, not exceeding \$75,000 in the whole and for the said municipal council to pass a by-law for granting such aid.

Assent of electors not required.

2. It shall not be necessary to submit the said by-law for the assent of the electors according to the provisions of *The Consolidated Municipal Act, 1883*, and amendments thereto.

By-law may provide for terms of payment of debentures.

3. The said by-law may provide for the issue of debentures for the amount of the money aid which may be granted as aforesaid, and such debentures may be made payable at such period not exceeding thirty years from the date thereof as may be deemed expedient, and may bear interest at such rate not exceeding six per centum per annum, as the said municipal council shall think fit, and the interest may be made payable yearly or half-yearly, and coupons for the payment thereof may be attached to the said debentures.

Debentures may be payable in sterling or currency.

4. The said debentures and the interest thereof, may be made payable in sterling money of Great Britain or currency of any country, and may be made payable in Ontario, Great Britain or elsewhere.

Power to grant aid to companies.

5. The said corporation may also, notwithstanding the provisions of the said in part recited Acts, or any other Act or law, aid any other railway company or companies hereafter to be constructed, whose line of railway leads to or touches the said City of London, by granting to such company or companies such bonus, loan or aid, not exceeding in the whole \$150,000, as to the said corporation may seem meet. 6.

6. In the event of the powers conferred by section 1 of this Act being exercised, the said sum of \$150,000 shall be reduced by such sum, as shall be granted by way of bonus or loan under the authority of said section 1. Power to make grant under sec. 5 limited.

7. Section 3 of this Act shall apply to all by-laws passed under the authority of this Act. Application of sec. 3.

8. Section 4 of this Act shall apply to all debentures issued under the authority of this Act. Application of sec. 4.

9. Every by-law passed under the authority of section 5 shall be passed in conformity with the provisions of *The Consolidated Municipal Act, 1883*, and amendments thereto. By-laws to conform to Municipal Act.

10. All property owned, used or occupied by the Grand Trunk Railway Company of Canada, for the purposes of their railway shall not, nor shall any part thereof be assessed or charged for or in respect of any bonus, loan or aid so granted, and all such property so owned, used or occupied by the said Grand Trunk Railway Company of Canada shall be exempt from taxation for or on account of any bonus, loan or aid so granted. Exemption of property of G. T. R. from assessment for any bonus granted under this Act.

11. In case the aid be given by making a loan under the authority of this Act, and any interest, income or other revenue shall be received by the said corporation, in respect or by reason of such loan, such interest, income, or other revenue, shall in each year, during the currency of the debentures issued under the authority of this Act, be applied in reduction of the annual sums required to be raised in such year to pay the interest of and provide a sinking fund to meet such debentures; and the exemption provided for by the next preceding section shall extend to so much of the said annual sums as shall not be satisfied by the application of such interest, income or other revenue. Limit of exemption.

CHAPTER 58.

An Act respecting the Village of London West.

[Assented to 25th March, 1886.]

WHEREAS the Municipal Council of the Corporation of the Village of London West, have by their petition represented that the said Corporation is indebted in the sum of \$10,000 for breakwater debentures, and in the sum of \$4,000 upon school debentures, maturing during the current year, and is also otherwise indebted to the amount of \$5,730, upon a floating debt, incurred

Preamble.

incurred chiefly on account of extraordinary expenditure caused by the floods of 1883, and the early payment of such school debentures and floating indebtedness, in addition to the ordinary expenditure of the said village, would be oppressive to the ratepayers, and have therefore prayed that the said corporation be authorized to consolidate the said indebtedness, other than for the breakwater debentures, and issue debentures for the purpose of meeting and paying off said school debentures and floating indebtedness; and whereas it is expedient to grant the prayer of the said petition;

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

Authority to borrow.

1. For the purpose of providing funds to meet and pay the said indebtedness, for school debentures of \$4,000 and the floating debt of \$5,730, it shall be lawful for the said Corporation of the Village of London West, to raise by way of loan upon the credit of the debentures hereinafter mentioned, and by this Act authorized to be issued from any person or persons, body or bodies corporate either in this Province, or elsewhere, who may be willing to lend the same a sum of money not exceeding \$10,000.

Authority to pass by-law for loan of \$10,000.

2. The said corporation may pass a by-law authorizing said loan of \$10,000, and the issuing of debentures therefor.

Assent of electors to by-law not required.

3. The by-law provided for by this Act shall not require to be submitted for, and to receive the assent of the electors, of the said village, for the final passing thereof, but the other provisions of *The Consolidated Municipal Act, 1883*, shall apply thereto.

Application of moneys.

4. The moneys to be borrowed, as aforesaid, shall be applied by the said corporation, in payment of the said school debentures debt, and the floating debt mentioned in the preamble to this Act, and not otherwise.

Irregularities not to render debentures invalid.

5. No irregularity in the form of the said debentures, or of the by-law authorizing the issue thereof, shall render the same invalid, or be allowed as a defence to any action brought against the said corporation for the recovery of the amount of the said debentures and interest, or any or either of them, or any part thereof; and the purchaser or holder thereof shall not be bound to inquire as to the necessity of passing such by-law or issue of debentures, or the application of the proceeds thereof.

CHAPTER 59.

An Act to Consolidate the Debenture Debt of the
Town of Mount Forest.*[Assented to 25th March, 1886.]*

WHEREAS the Corporation of the Town of Mount Forest, Preamble.
by their petition, have represented that they have incurred debts and liabilities for the purpose of giving bonuses to railways, manufacturers, and others, to the extent of \$46,000, and for other purposes to the extent of \$8,000, making in all an indebtedness of \$54,000, of which sum \$43,000 is secured by the debentures of the said corporation; that the said debentures have from time to time been issued under the authority of various by-laws, each of which has made provision for the levying of a rate for the payment of the said debentures thereby authorized, which rate has not been hitherto fully levied in any year; that the amount of each of the said rates so intended to be levied was calculated upon the assessed value of the assessable property included within the said corporation, at the respective times when the said several by-laws were passed; that most of the said several by-laws provided for the levying in future at the rates therein respectively mentioned, not only upon the said assessed value, but also upon any increase in the said assessed value which might thereafter be made; that since the times of the passing of the said several by-laws, the proportion which the actual value of the said assessable property bore to the assessed value thereof at the respective times of the passing of the said several by-laws has not been maintained, but the said assessed value thereof has been increased to a far greater extent than the actual value thereof, by reason whereof the rates directed to be levied by the said several by-laws would now be oppressive; and that by reason of the irregular arrangement, and the short dates of the respective times at which the said several debentures are made redeemable, and the non-levying of sufficient rates hitherto as aforesaid, the rates now required for such redemption would in future be oppressive, for which reasons and upon various other grounds they have prayed that the said debt may be consolidated, and that they may be authorized to issue debentures for the purpose of discharging such indebtedness; and whereas it is expedient to grant the prayer of the said petition;

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. The said debts of the Corporation of the Town of Mount Forest are hereby consolidated at the sum of \$54,000, and it shall be lawful for the said Corporation of the Town of Mount Forest Debts consolidated at the sum of \$54,000.

Forest to raise, by way of loan, upon the credit of the debentures hereinafter mentioned, and by this Act authorized to be issued, from any person or persons, body, or bodies corporate, either in this Province, Great Britain, or elsewhere, who may be willing to lend the same, a sum of money not exceeding \$54,000 of lawful money of Canada.

Authority to pass by-laws for issue of new debentures.

2. It shall be lawful for the said Corporation of the Town of Mount Forest to pass a by-law, or from time to time to pass by-laws authorizing a loan, or loans, not exceeding in all the sum of \$54,000, and further authorizing the issuing of debentures therefor in accordance with this Act, and to impose in and by the said by-law or by-laws a special rate per annum on the whole ratable property of the said municipality to be called "the Consolidated Loan Rate," over and above, and in addition to all other rates to be levied in each year, which said consolidated loan rate shall be duly levied in each year, and shall be made sufficient to pay the sums falling due annually for interest, and to provide a fund for the due payment of the principal of the lastly mentioned debentures when the same shall fall due.

Assent of electors to by-laws not required.

3. It shall not be necessary to obtain the assent of the electors of the said town to the passing of any by-law which shall be passed under the provisions of this Act, or to observe the formalities in relation thereto prescribed by *The Consolidated Municipal Act, 1883*, and amendments thereto.

Issue of debentures to the amount of \$54,000 authorized.

4. It shall be lawful for the municipal council of the said Corporation of the Town of Mount Forest, after the passing of such by-law or by-laws authorizing the same in accordance with this Act, to cause to be issued debentures of the said corporation from time to time, as occasion may require, under the corporate seal, signed by the mayor, and countersigned by the treasurer and clerk of the said town for the time being, for such sums, not exceeding in the whole the said sum of \$54,000, as the said council shall direct and appoint, redeemable in thirty years from date of issue, and bearing interest at a rate not to exceed six per cent. per annum, payable half yearly.

Mode and time of payment.

5. The said principal sum to be secured by the debentures to be issued under the preceding section of this Act, shall be payable either in sterling or currency, and the same, with the interest accruing thereon, may be made payable either in this Province, or Great Britain, or elsewhere, as the said council may by the said by-law or by-laws direct. And the said by-law or by-laws shall provide for raising annually for the payment of the said debentures, at the expiration of thirty years from the time or times at which the by-law, or by-laws authorizing the issue of the same shall respectively be passed, a certain specific sum, sufficient with the estimated interest on the investments thereof, to discharge the debt and redeem said debentures when payable.

6.

6. The funds derived from the negotiation and sale of the said debentures shall be applied in and to the payment of the said debts of \$54,000 and not otherwise, and shall, for that purpose, from time to time be deposited, as the same shall be received, and until the same shall be required for the said purpose, in any branch or agency of any chartered bank of Canada, in the said Town of Mount Forest, or elsewhere in the Province of Ontario, or invested in Government securities, or stocks, or on first mortgage farm security (any loan on farm property not to exceed one-half the actual assessed value of such farm, or farms, upon the security of which the said money is advanced), and all such deposits or investments shall be made in the name of the said corporation, as trustees of the said town, and shall be made upon such terms as the said municipal council and such bank, or Government, or owner of farm property shall from time to time agree upon, and shall be withdrawn as the same may be required from time to time for the payment and redemption of the said outstanding debt and liabilities, or any part thereof, and not otherwise.

Application
of funds.

7. The treasurer of the said town shall, on receiving instructions from said council so to do, from time to time, but only with the consent of the holders thereof, call in any of the said now outstanding debts and liabilities specially provided for by this Act, and shall discharge and satisfy the same with the funds raised under this Act, or may with the like consent substitute therefor the said debentures, or any of them hereinbefore authorized to be issued by this Act, upon such terms as may be agreed upon between the said council and the said holders of the said outstanding debts and liabilities.

Outstanding
debentures
may be called
in.

8. Any by-law to be passed under section 2 of this Act, and in pursuance of the provisions of this Act authorizing the said loan, shall not be repealed until the debt created under such by-law, and the interest thereon, shall be paid and satisfied.

By-laws not to
be repealed
until debt
satisfied.

9. The said municipal council shall, and it shall be the duty of the treasurer of the said town for the time being to invest or deposit, from time to time, all moneys raised by the special rate provided by this Act, and the by-law or by-laws imposing the same, or derived from the investment or deposit of the said moneys as herein mentioned, less the interest payable in respect of the said debentures, to be issued in pursuance of this Act, for the then current year, in any one of the modes of investment, or deposit, authorized by section 6 of this Act, as the said council shall direct, and upon such terms as the said council, and bank, or Government, or person, shall agree upon, and such moneys shall only be withdrawn therefrom as the same may be required, from time to time, for the payment and redemption of the lastly mentioned debentures, or the said outstanding debts and liabilities, or any part thereof, and to apply the residue of such money, from time to time, to the

Investment of
money raised
by special
rate.

the payment of interest on the said debentures, and not otherwise, nor for any other purpose whatever.

Treasurer to keep books shewing state of debenture account.

10. It shall be the duty of the treasurer, from time to time, of the said town to keep, and it shall be the duty of each of the members, from time to time, of the said municipal council, to procure such treasurer to keep, and see that he does keep, a proper book of account, setting forth a full and particular statement, so that the same shall at all times shew the number of debentures which, from time to time, shall be issued under the powers conferred by this Act, and the respective amounts, payment of which is thereby secured, and the times at which the said debentures shall respectively become due and payable, and the several amounts which shall, from time to time, be realized from the sales or negotiations of the said debentures, and the application which shall, from time to time, be made of the said amounts, and as to so much thereof as shall at any time or times be deposited, or invested, as directed by section 6 of this Act. The said book of account and statement shall set forth and shew the amount, and the place, or places, of such deposits, and the amount and the mode and nature and place, or places, of such investment, and the terms and conditions upon which such deposits or investments shall, from time to time be made, and the said books of account and statement shall at all times, and at all reasonable hours, be open to the inspection of any ratepayer of the said town, and of any of the holders, from time to time, of the debentures which shall be issued under the powers hereby conferred, or of any of such debentures.

Council empowered to apply present sinking fund for local improvement purposes.

11. It shall be lawful for the municipal council of the said corporation of the Town of Mount Forest, to pass a by-law, or by-laws, authorizing the expenditure of the sinking fund or surplus moneys of the said corporation now invested, or in the hands of the treasurer of said town, amounting to about \$9,000, in securing fire protection, and for other local improvements within the said town, or for buying up its own debentures.

Assent of electors to by-law for purchase of a chemical fire engine dispensed with.

12. It shall not be necessary to obtain the assent of the electors of the said town to the passing of any by-law which shall be passed authorizing the council of the said town to purchase the chemical fire engine, which it has leased from William Morrison, of the City of Toronto, with the right to purchase the same within six months from delivery at Mount Forest, but the council of said town may, by by-law, use a part of the said sinking fund, or surplus money, mentioned in the preceding section, to pay for said fire engine, not exceeding, however, the sum of \$2,250, without submitting such by-law for the assent of the electors of said town.

Assent of electors required in certain cases.

13. It shall be necessary to obtain the assent of the electors of said town to the passing of any by-law, or by-laws, other than

than for the purchase or redemption of the debentures of said town, which shall be passed, authorizing the expenditure of the residue of said sinking fund, or surplus money, mentioned in section 11, after payment for said fire engine mentioned in the preceding section of this Act, and to observe the formalities in relation thereto, prescribed by *The Consolidated Municipal Act, 1883*, and amendments thereto.

14. Any provisions in the Acts respecting municipal institutions in the Province of Ontario which are or may be inconsistent with the provisions of this Act, or any of them, shall not apply to the by-law or by-laws to be passed by the council of said corporation under the provisions of this Act, and no irregularity in the form, either of the said debentures authorized to be issued by this Act, or of the by-law or by-laws authorizing the issuing thereof, shall render the same invalid, or illegal, or be allowed as a defence to any action brought against the said corporation, for the recovery of the amounts of the said debentures and interest, or any or either of them, or any part thereof.

Inconsistent provisions in Municipal Acts not to apply.

15. Sections 411, 412, and 413, of *The Consolidated Municipal Act, 1883*, shall be deemed applicable to the debentures to be issued in pursuance of the provisions of this Act, and shall be deemed to be incorporated in this Act.

46 V. c. 18, ss. 411-413, incorporated in this Act.

16. Nothing in this Act contained shall be held or taken to discharge the corporation of the Town of Mount Forest from any indebtedness, or liability, which may not be included in the said debt of \$54,000.

Liability of corporation not discharged.

CHAPTER 60.

An Act relating to the Municipality of Neebing.

[Assented to 25th March, 1886.]

WHEREAS the corporation and the ratepayers of the Municipality of Neebing have petitioned for an Act bringing the said municipality within *The Municipal Act* and *The Assessment Act*, and legalizing the assessments heretofore made in the said municipality, and authorizing the sale of land in the said municipality for arrears of taxes under the said assessments and for other purposes; and whereas it is expedient to grant the prayer of the said petition;

Preamble.

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

Municipal
and Assess-
ment Acts to
apply to
municipality.

1. Except as hereinafter mentioned the said municipality, from and after the passing of this Act, shall be governed by the provisions of *The Municipal Act* and *The Assessment Act* of Ontario as fully as if no special Act had been passed relating to the said Municipality of Neebing; and all provisions of the Act passed in the 44th year of Her Majesty's reign, chapter 43, and of the Acts amending the same, which are inconsistent or at variance with the said Municipal Act and Assessment Act, are hereby repealed: provided nothing herein contained shall have the effect of annulling or rendering illegal any past act of the said Corporation of the Municipality of Neebing.

Assessments
confirmed.

2. All assessments heretofore made by the said corporation are hereby declared valid and binding.

Exemptions.

3. The following property, in the said municipality, shall be exempt from municipal taxation for ten years, namely: mills and establishments for mining, crushing, concentrating, smelting, extracting or treating gold or silver, copper, lead or other ores or metals, and saw-mills, grist-mills and planing mills, and the machinery and plant thereof; but income derived from, and dividends payable to shareholders in respect of such mills and establishments shall be liable to taxation.

Expenditure
and debenture
debt provided
for.

4.—(1) All taxes except for debenture debt levied in any township of the said municipality shall, excepting ten per centum thereof, and the expenses of collection, be expended within the township in which the same are levied, on roads, bridges, and other works of the same kind, necessary for opening up and settling the said township.

Ten per cent.
to be for gen-
eral expenses.

(2) The council of the said municipality shall be at liberty to retain and appropriate for the general and other expenses of said municipality the reservation of ten per centum and the expense of collection.

Liability
not to be in-
curred without
assent of
ratepayers.

5. No liability extending over a term of years shall be incurred, and no bonus shall be granted by the said municipality to any railway, or other project or purpose, without the assent of the majority of duly qualified ratepayers, in each individual township; provided always, that nothing herein contained, shall prevent any individual township from incurring such liability on its own behalf, pursuant to the provisions of any general law in that behalf.

Individual
townships
may incur
liability.

First election,
new council.

6. The first election under this Act shall take place on the first Monday in June, and the nomination shall be held on the preceding Monday, and the new council, which shall consist of one reeve, and four councillors, who shall be elected by general vote, shall hold office from the 1st day of July following, and continue in office until their successors are elected in the January next following.

7.

7. The school board now existing in the said municipality, shall cease to exist on the 30th day of June next, and from and after that date each township composing the said municipality shall constitute a school section. Present school board to cease to exist on 30th June next.

8. Nothing in this Act shall affect the rights of the holders of debentures now in existence. Debenture holders protected.

9. The Municipality of Neebing consists of the Townships of Blake, Crooks, Pardee, Paipoonge, Neebing, and the Ward of McKellar, and it is hereby declared, that all that part of the Municipality of Neebing, which composes the McKellar Ward, shall for the purposes of this Act, be the Township of McKellar, but shall, nevertheless, be attached to and form part of the Township of Neebing for school purposes. Townships comprising Neebing.

10. Arrears of taxes due to the Municipality of Neebing, shall be collected and managed in the same way as like arrears due to municipalities in counties, and the treasurer and reeve shall perform the like duties in the collection and management of arrears for taxes, as in counties are performed by the treasurers and wardens thereof, and the various provisions of law relating to sales of land for arrears of taxes, or to deeds given therefor, shall, unless otherwise provided by this Act, apply to said municipality, and to sales of land therein for arrears of taxes due thereon and to deeds given therefor. Sale for taxes.

11. When the assessment for the year ending 30th June, 1886, of the said municipality is made, the rate struck thereon shall be for the eighteen months, ending December 31st, 1886, and the duties of the Court of Revision, shall be completed and the rolls finally revised not later than the 1st day of September, 1886. Assessment and Court of Revision.

CHAPTER 61.

An Act to Consolidate the Debt of the Town of Orangeville.

[Assented to 25th March, 1886.]

WHEREAS the corporation of the Town of Orangeville have by their petition represented that they have incurred debts and liabilities for aiding in the construction of the Toronto, Grey and Bruce Railway, now a portion of the Canada Pacific Railway, in the erection of water works and market buildings, in aiding the Credit Valley Railway, now a portion of the Canadian Pacific Railway, in granting aid to the Preamble.
Stevenson

Stevenson & Graham Woollen Mills Company, in building school houses, and for other purposes; and whereas the said corporation have incurred a further liability of \$11,300 for the payment of which no provision has been made; and whereas all of the said debenture debts will mature between the present time and the year 1899, and the interest maturing thereon has been regularly paid but the said unprovided for debt is liable to be demanded at any time, and the annual revenue to be raised yearly by taxation in order to meet the interest on said debentures, and the interest on said unprovided debts, and the current expenditure will be insufficient without exceeding the limit authorized by law, and is too burdensome on the ratepayers of the said corporation, and the said corporation have prayed that the said debt of the said town now amounting in all to the sum of \$67,000 or thereabouts, may be consolidated, and that new debentures may be issued for the purpose of meeting and paying such debentures from time to time as the same may mature, and for discharging and paying off the unprovided debts; and whereas it is expedient to grant the prayer of the said petition;

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

Debts consolidated at the sum of \$67,000.

1. The said debts of the Town of Orangeville are hereby consolidated at \$67,000, and it shall be lawful for the said Town of Orangeville to raise by way of loan upon the credit of the debentures hereinafter mentioned, and by this Act authorized to be issued, from any person or persons, body or bodies corporate either in this Province, or in Great Britain, or elsewhere, who may be willing to lend the same, a sum of money not exceeding \$67,000 of lawful money of Canada.

Authority to pass by-laws for issue of new debentures.

2. The Town of Orangeville may, from time to time, and as occasion may require or opportunity offer for redeeming debentures or payment of said other debts, pass by-laws under the terms and conditions hereinafter provided for authorizing the issue of debentures of said town, to an amount not exceeding in the whole the sum of \$67,000, and may impose in and by the said by-law or by-laws, a special rate on the whole ratable property of the said municipality of the Town of Orangeville, to be called "The Consolidated Debenture Loan Rate" over and above, and in addition to all other rates to be levied in each year, which shall be duly levied in each year, and shall be sufficient to pay the sums falling due annually for interest, and to provide a fund for the payment of the principal, when the same shall fall due, of the said debentures last mentioned.

Consent of electors to by-laws not required.

3. It shall not be necessary to obtain the assent of the electors of the said Town of Orangeville to the passing of any by-law under this Act, or to observe the formalities in relation thereto prescribed by *The Consolidated Municipal Act, 1883.*

4. It shall be lawful for the municipal council of the said corporation of the Town of Orangeville, after the passing of such by-law or by-laws authorizing the same in accordance with this Act, to cause to be issued debentures of the said corporation under the corporate seal, signed by the mayor, and countersigned by the treasurer of the said corporation for the time being, for such sums not exceeding in the whole \$67,000, as the said council may direct and appoint bearing interest at a rate not to exceed six per centum per annum, payable yearly or half yearly, as the case may be, and such debentures may run for a period not exceeding thirty years from the date thereof.

Issue of debentures to the amount of \$67,000 authorized.

5. The principal sum so to be secured by the debentures to be issued under the preceding section of this Act, shall be payable in sterling or currency, and the same with the interest accruing thereon may be made payable, either in the Province of Ontario, or in Great Britain, or elsewhere, as the said council may by by-law or by-laws direct, or deem expedient.

Mode of payment.

6. The funds derived from the sale of the said debentures shall be applied in and to the payment of the said debt of \$67,000, and not otherwise, and shall for that purpose from time to time be deposited until required in the agency of a chartered bank of Canada, in the Town of Orangeville or elsewhere in this Province, or invested in Government securities or stock, either of the Dominion of Canada or of this Province, upon such terms as the said municipal council, and such bank or Government shall from time to time agree upon, and shall only be withdrawn therefrom, as the same may be required from time to time for the payment and redemption of the said outstanding debenture debt, and other liabilities, or some part thereof, and not otherwise, and all such deposits or investments shall be made in the name of the said corporation as trustees of the said town of Orangeville.

Application of funds.

7. The treasurer of the said town shall on receiving instructions from the said council so to do, from time to time, but only with the consent of the holders thereof, call in any of the said outstanding debentures and liabilities specially provided for by this Act, and shall discharge and satisfy the same with the funds raised under this Act, or may with the like consent substitute therefor the said debentures, or any of them above authorized to be issued by this Act, upon such terms as may be agreed upon between the said council and the said holders of said outstanding debentures, debts and liabilities.

Outstanding debentures may be called in.

8. Any by-law to be passed under section 2 of this Act, and in pursuance of the provisions of this Act authorizing the said loan, shall not be repealed until the debt created under such by-law, and the interest thereon, shall be paid and satisfied.

By-laws not to be repealed until debt satisfied.

9. Sections 411, 412 and 413 of *The Consolidated Municipal Act*, 46 V. c. 18, ss. 411-413,

incorporated
in this Act.

Act, 1883, shall be deemed applicable to the debentures to be issued in pursuance of the provisions of this Act, and shall be deemed to be incorporated in this Act.

Investment of
money raised
by special
rate.

10. The said municipal council shall, and it shall be the duty of the treasurer of the said town for the time being to invest or deposit from time to time all moneys raised by the special rate provided by this Act, and the by-law or by-laws imposing the same or derived from the investment or deposit of the said moneys as herein mentioned, less the interest payable in respect of the said debentures to be issued in pursuance of this Act for the then current year, in any one of the modes of investment or deposit authorized by section 6 of this Act, as the said council shall direct and upon such terms as the said council and bank or Government shall agree upon, and such moneys shall only be withdrawn therefrom, as the same may be required from time to time for the payment and redemption of the lastly mentioned debentures, or the said outstanding debts and liabilities, or some part thereof, and to apply the residue of such moneys from time to time to the payment of the interest on the said debentures and not otherwise, nor for any other purpose whatever.

Treasurer to
keep books of
account.

11. It shall be the duty of the treasurer from time to time of the said town to keep, and it shall be the duty of each of the members from time to time of the said municipal council to procure such treasurer to keep, and see that he does keep, a proper book of account setting forth a full and particular statement, so that the same shall at all times shew the number of debentures which from time to time shall be issued under the powers conferred by this Act, and the respective amounts, payment of which is thereby secured, and the times at which the said debentures shall respectively become due and payable, and the several amounts which shall from time to time be realized from the sales or negotiation of the said debentures, and the application which shall from time to time be made of the said amounts, and as to so much thereof as shall at any time or times be deposited or invested as directed by section 6 of this Act; the said book of account and statement shall set forth and shew the amount and the place or places of such deposits, and the amount and the mode and nature and place or places of such investments, and the terms and conditions upon which such deposits or investments shall from time to time be made, and the said book of account and statement shall at all times and at all reasonable hours be open to the inspection of any ratepayer of the said town, and of any of the holders from time to time of the debentures which shall be issued under the powers hereby conferred or of any of such debentures.

Inconsistent
provisions in

12. Any provisions in the Acts respecting municipal institutions in the Province of Ontario, which are or may be inconsistent

sistent with the provisions of this Act, or any of them shall not apply to the by-law or by-laws to be passed by the said corporation under the provisions of this Act, and no irregularity in the form, either of the said debentures authorized to be issued by this Act, or of the by-law, or by-laws authorizing the issue thereof, shall render the same invalid or illegal, or be allowed as a defence to any action brought against the said corporation for the recovery of the amount of the said debentures and interest, or any, or either of them, or any part thereof.

Municipal
Acts not to
apply.

13. Nothing in this Act contained shall be held or taken to discharge the corporation of the town of Orangeville from any indebtedness or liability which may not be included in the said debt.

Liability of
corporation
not dis-
charged.

14. The debentures to be issued under this Act may be in the form contained in Schedule A to this Act, and the by-law or by-laws for the issuing of the debentures authorized by this Act may be in the form Schedule B to this Act.

Form of de-
bentures and
by-laws.

SCHEDULE A.

PROVINCE OF ONTARIO, TOWN OF ORANGEVILLE.

DEBENTURE.

Under and by virtue of the Act passed in the 49th year of the reign of Her Majesty Queen Victoria, intituled "An Act to consolidate the debt of the Town of Orangeville."

The corporation of the Town of Orangeville, in the County of Dufferin and Province of Ontario, promise to pay to the bearer at the sum of on the day of , 18 , and the coupons for interest thereon hereto attached, as the same shall severally become due.

Dated at the Town of Orangeville, in the County of Dufferin, this day of , A.D. 18 .

SCHEDULE B.

By-law No. of the municipal council of the corporation of the Town of Orangeville.

By-law to authorize the issue of debentures for the sum of \$, under the authority of the Act passed in the 49th year of the reign of Her Majesty Queen Victoria, intituled "An Act to consolidate the debt of the Town of Orangeville."

Whereas

Whereas the said Act authorizes the issue of debentures for the purposes therein mentioned, to an amount not exceeding \$67,000, as the corporation of the Town of Orangeville may in pursuance of and conformity with the provisions of the said Act direct; and whereas for the purposes mentioned in the said Act, it is necessary and expedient to issue debentures to the extent of \$, payable on the day of with interest thereon, at the rate of per centum per annum, payable yearly, according to the coupons to the said debentures attached;

And whereas the amount of the whole ratable property of the said Town of Orangeville, according to the last Revised Assessment Roll of the said town being for the year 18 , was \$

Therefore the municipal corporation of the Town of Orangeville enacts as follows:

1. That debentures under the said Act, and for the purposes therein mentioned, to the extent of the sum of \$ are hereby authorized and directed to be issued.

2. The said debentures shall have coupons thereto attached for the payment of interest, at the rate of per centum per annum, payable yearly, on the days of

This by-law passed in open council this day of
A.D. 18

CHAPTER 62.

An Act to Incorporate the Town of Parkhill.

[Assented to 25th March, 1886.]

Preamble.

WHEREAS the Village of Parkhill, in the County of Middlesex, is rapidly increasing in population, and is likely to become an important business centre; and whereas the council and ratepayers have, by their petition, represented that the incorporation of the said village as a town would promote its future progress and prosperity and enable its inhabitants to make suitable regulations for the protection and improvement of property, and to carry out improvements they are desirous of making, and have prayed that a portion of the Township of West Williams should be included in the said town; and whereas it is expedient to grant the prayer of the said petition;

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1.

1. On and after the twenty-seventh day of December, after the passing of this Act, the said Village of Parkhill shall be and is hereby constituted a corporation or body politic, under the name of the Corporation of the Town of Parkhill, and shall enjoy and have all the rights, powers and privileges, which could have been exercised and enjoyed by the said Town of Parkhill if the same had been incorporated as a town under *The Consolidated Municipal Act, 1883*, except where otherwise provided by this Act. Town incor-
porated,

2. The said Town of Parkhill shall comprise and consist of the present Village of Parkhill and of the south half of lot four in the twentieth concession of the said Township of West Williams, and the residue of lot seven in the said twentieth concession, and the residue of lot seven in the nineteenth concession of the said Township of West Williams, not covered by the present Village of Parkhill, saving and excepting that portion of the south half thereof lying to the west of West Street, and saving and excepting also park lots numbers 9, 10 and 11, part of the said south half lying east of West Street. Limits of
town.

3. The said town shall be divided into three wards, to be called respectively the "north," "south" and "east" wards, which said several wards shall be respectively composed and bounded as follows: the North Ward shall be composed of that portion of the present incorporated Village of Parkhill lying to the north of the Grand Trunk Railway and west of Main or McGillivray Street, together with that part of lot seven in the said twentieth concession of the Township of West Williams, not included in the present limits of Parkhill; the South Ward shall be composed of all that portion of the present incorporated Village of Parkhill lying to the south of the Grand Trunk Railway and west of Main Street, together with that part of lot seven in the nineteenth concession of the said Township of West Williams not included in the present limits of Parkhill, but hereby comprised as a part of the Town of Parkhill; the East Ward shall be composed of all that portion of the present incorporated Village of Parkhill lying to the east of Main or McGillivray Street, together with the south half of lot number four in the twentieth concession of the said Township of West Williams. Wards.

4. Except as otherwise provided by this Act, the provisions of *The Consolidated Municipal Act, 1883*, and of any Act amending the same, with regard to matters consequent upon the formation of new corporations, shall apply to the said Town of Parkhill in the same manner as they would have been applicable had the said Village of Parkhill been erected into a town under the provisions of the said Acts. Acts respect-
ing municipal
institutions to
apply.

5. On the last Monday in December next after the passing of this Act, it shall be lawful for Thomas Alexander Mayburry, Nomination
for first
election.
OR

or the village clerk for the time being who is hereby appointed the returning officer, to hold the nomination for the first election of mayor, reeve and councillors at the Town Hall in the said Town of Parkhill, at the hour of noon, and he shall preside at the said nomination, or in case of his absence, the electors present shall choose from among themselves a chairman to preside at the said nomination, and such chairman shall have all the powers of a returning officer; and the polling for the said election, if necessary, shall be held on the same day of the week, in the week next following the said nomination, and the returning officer or chairman shall, at the close of the nomination, publicly announce the place in each ward at which the polling shall take place.

Deputy
Returning
Officers.

6. The said returning officer shall, by his warrant, appoint a deputy returning officer for each of the wards into which the town is divided, and such returning officer and each of such deputy returning officers shall, before holding the said election, take the oath or affirmation required by law, and shall respectively be subject to all the provisions of the municipal laws of Ontario applicable to returning officers at elections in towns, in so far as the same do not conflict with this Act; and the said returning officer shall have all the powers and perform all the duties devolving on town clerks with respect to municipal elections in towns.

Clerk of West
Williams to
furnish copy
of assessment
roll.

7. The clerk of the said Township of West Williams shall, upon demand made upon him by the said returning officer, or by the chairman hereinbefore mentioned, at once furnish such returning officer or chairman with a certified copy of so much of the revised assessment roll for his said township for the year 1886, as may be required to ascertain the names of the persons entitled to vote in each of the said wards at the said first election; and the said returning officer shall furnish each of the said deputies with a true copy of so much of the said roll as relates to the names of electors entitled to vote in each of the said wards respectively, and each such copy shall be verified on oath.

Council.

8. The council of the said town, to be elected in manner aforesaid, shall consist of a mayor, who shall be the head thereof, a reeve and six councillors, two councillors being elected for each ward; and they shall be organized as a council on the same day of the week next following the week of the polling; or if there be no polling on the same day of the week next following the week of the nomination, and subsequent elections shall be held in the same manner as in towns incorporated under the provisions of *The Consolidated Municipal Act, 1883*, and the said council and their successors in office shall have, use, exercise and enjoy, all the powers and privileges vested by the said municipal laws in town councils, and shall be subject to all the liabilities and duties imposed by the said municipal laws on such councils.

9. The several persons who shall be elected or appointed under this Act shall take declarations of office and qualification now required by the municipal laws of Ontario to be taken by persons elected or appointed to like offices in towns. Oaths of office and qualification.

10. At the first election of mayor, reeve and councillors for the said Town of Parkhill, the qualification of electors and that of officers required to qualify, shall be the same as that required in villages by the municipal laws of Ontario. Qualification at first election.

11. The expenses incurred to obtain this Act and of furnishing any documents, copies of papers, writings, deeds or any other matter required by the clerk or other officer of the said town, or otherwise, shall be borne by the said town and paid by it to any party that may be entitled thereto. Expenses of Act.

12. All by-laws and municipal regulations which are in force in the Village of Parkhill shall continue and be in force as if they had been passed by the corporation of the Town of Parkhill and shall extend to and have full effect within the limits of the town hereby incorporated. By-laws continued.

13. The property, assets, debts, liabilities and obligations of the Village of Parkhill shall belong to and be assumed and paid by the Corporation of the Town of Parkhill. Property and obligations.

14. All officers of the said Village of Parkhill shall continue to act and have power as such, and as officers of and within the Town of Parkhill, until the council of the said town shall have organized as and in the manner provided by section 8 of this Act. Officers of village continued.

CHAPTER 63.

An Act respecting the Town of Peterborough.

[Assented to 25th March, 1886.]

WHEREAS the corporation of the Town of Peterborough has by petition prayed for an Act to authorize the said corporation to enter into contracts for a supply of water, gas or electric light, and for similar purposes, for a period of ten years; and to confirm by-law 498 of said corporation, to provide for a supply of water within the Town of Peterborough for fire purposes, and for other public uses; and by-law No. 497, to provide for a new town hall and lock-up for the said Town of Peterborough; and to confirm the purchase by the Little Lake Cemetery Company of land within the Town of Peterborough, as an addition to the present cemetery, and to close

Preamble.

close portions of Haggart and Ware Streets in said town, and it is expedient to grant the prayer of said petition ;

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows :—

Power to make contracts for the supply of water, gas or electric light.

1. Notwithstanding anything contained in the Act of the Parliament of Canada passed in the 24th year of Her Majesty's reign, chapter 61, it shall be lawful for the corporation of the Town of Peterborough to enter into contracts for a supply of water, and the renting of hydrants, and for a supply of gas or electric light, and for similar purposes, for a period not exceeding in the first instance ten years, and for renewing any such contract from time to time, for such period not exceeding ten years, as to the council of said corporation may seem expedient; the by-law or by-laws granting such renewal having first received the approval of the ratepayers in the manner provided by section 294 and the following sections of *The Consolidated Municipal Act, 1883*.

By-law 498, and contract respecting the supply of water to the town confirmed.

2. The by-law of said corporation numbered 498, intituled "A By-law to provide for a supply of water within the Town of Peterborough for fire purposes and other public uses," and the contract made thereunder between the said corporation and the Peterborough Water Company, dated the 23rd day of November, 1885, are hereby confirmed and declared legal, valid and binding upon the said corporation and the said Water Company, for the full period mentioned therein, in the same manner and to the same extent as if the same had been passed and entered into respectively after the passing of this Act.

By-law 497 to provide for a new town-hall and lock-up confirmed.

3. The by-law of said corporation numbered 497, entitled "A By-law to provide for a new Town Hall and Lock-up for the Town of Peterborough," is hereby confirmed, and the said by-law and the debentures issued or to be issued thereunder are hereby declared legal, valid and binding to all intents and purposes whatsoever, and such debentures shall be deemed to have been duly issued in accordance with the provisions of the said recited Act.

Cemetery company empowered to hold certain land within limits of town.

4. The purchase by the Little Lake Cemetery Company of a parcel of land within the said town lying west of and adjoining the cemetery already existing is hereby confirmed, and it shall and may be lawful for said company to use such addition as a cemetery, notwithstanding the said land is within the present limits of the Town of Peterborough.

Closing of parts of Haggart and Ware Streets authorized.

5. Upon the said Cemetery Company opening and grading a new street sixty-six feet in width, the westerly and southerly boundary of which shall be as follows :—Commencing at a point on the south side of Crescent Street, at a distance of sixty-six feet west from the dividing line between lots numbers

numbers thirty-seven and thirty-eight on plan number thirty-one, for the said Town of Peterborough; thence south parallel to Haggart Street, otherwise known as the original road allowance between lots fifteen and sixteen in the twelfth concession of the Township of North Monaghan, to a point about equally distant from the north and south boundaries of lot number nineteen on said plan; thence curving to the east to connect with said Haggart Street at the south-east corner of lot number twenty-one on said plan; then so much of said Haggart Street as lies north of a line running east across said Haggart Street from the northerly point of intersection of said new street with Haggart Street, and also so much of Ware Street as lies between said new street and Haggart Street, shall be closed up and vested in the said Little Lake Cemetery Company for the purposes of said cemetery.

CHAPTER 64.

An Act respecting the Consolidated Debt of the Town of Port Hope.

[Assented to 25th March, 1886.]

WHEREAS the corporation of the Town of Port Hope have under the Acts consolidating the debt of the said town, issued debentures to the amount of \$66,500, which are still outstanding, and have petitioned to be authorized to raise, by the issue of debentures, a sum of money sufficient for the redemption of the said outstanding debentures; and whereas the corporation of the Town of Port Hope, under *The Municipal Loan Fund Debt Act*, issued debentures to the amount of \$92,518.76, of which \$68,620.00 are still outstanding, and have petitioned to be authorized to raise, by the issue of debentures, a sum of money sufficient for the redemption of the said outstanding debentures; and whereas the corporation of the Town of Port Hope, being interested in the harbour, called the Port Hope Harbour, the Commissioners thereof, having, under the Act authorizing the same, issued debentures to the amount of \$70,000.00, all of which are outstanding, and the corporation of the Town of Port Hope have petitioned that they be authorized to join with the Port Hope Harbour Commissioners and issue joint Port Hope Harbour and Town debentures, to raise a sum of money sufficient for the redemption of the said outstanding debentures; and it is expedient to grant the prayer of the said petition;

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

Power to issue debentures for \$130,000.

1. The said Corporation may issue debentures under the corporate seal, signed by the mayor, and countersigned by the treasurer of the said Town, for the time being in such sums not exceeding \$130,000 in the whole, as the said Corporation may from time to time direct, and the principal sum secured by the said debentures, and the interest accruing thereon may be made payable at such place as the Corporation may deem expedient.

Power to borrow on debentures.

2. The Corporation of the said Town may raise, by way of loan, on the credit of the said debentures, a sum not exceeding on the whole, the sum of \$124,312.

Reduction of outstanding debentures.

3. The treasurer of the said Town shall, on receiving instructions from the council so to do, from time to time, but only with the consent of the holders, call in any of the said outstanding debentures, specially provided for by this Act, and shall discharge the same with the funds raised under this Act, or may substitute therefor the said debentures, or any of them above authorized to be issued by this Act, as may be agreed upon between the Corporation and the holders of such outstanding debentures.

Application of moneys so raised.

4. The loan to be raised, as aforesaid, shall be applied by the Council to the redemption and payment of the said outstanding debentures, and to and for no other purpose whatsoever.

Sinking fund.

5. For the payment of the debentures to be issued under this Act, the Council shall impose a special rate per annum, (over and above, and in addition to all other rates to be levied in each year, and over and above all interest to be paid on such debentures) which shall be sufficient to form a sinking fund of one per cent. per annum for that purpose.

Payment of sinking fund from 1886 to 1893.

6. For the payment of the sinking fund, the Council shall, from the year 1886 to 1893 inclusive, when issuing debentures to pay the Town's Municipal Loan Fund Indebtedness, only issue debentures for the amount that said debentures falling due do exceed the sum of \$1,351 and each and every year thereafter pay one debenture of the sum of \$1,351 which, in the issuing of debentures by the said Corporation, shall be of said amount and date, so that one shall become due every year of the time the said issue may be made payable.

Town and Harbour Commissioners may issue debentures.

7. The said Corporation may, in conjunction with the Port Hope Harbour Commissioners, issue debentures signed by the mayor, and countersigned by the treasurer, as well as by the chairman and secretary of the Port Hope Harbour Commissioners for the time being, in such sums not exceeding \$60,000 in the whole, as the said Corporation and Harbour Commissioners may, from time to time direct, and the principal

pal sum secured by the said debentures, and the interest accruing thereon, may be payable at such place as the said Corporation and Harbour Commissioners may deem expedient.

8. The loan to be raised as authorized in section 7 of this Act, shall be applied by the Port Hope Harbour Commissioners to the redemption and payment of their outstanding debentures, and to and for no other purpose whatsoever. Application of loan.

9. It shall not be lawful for the Corporation to incur any further debt or liability than is provided for in this Act, except the yearly current expenses to be paid out of the annual assessment, and any such contract or undertaking for increasing the debt or liability of the said Corporation contrary to this Act, shall be utterly null and void. Corporation not to incur further debt.

10. The Corporation, after having called in and paid the said outstanding debentures, may repeal any by-laws of the said Council, which authorized the levying of special rates for the purpose of satisfying the same. Repeal of by-laws levying special rate.

11. The debentures to be issued, as aforesaid, shall be payable in not more than twenty-five years from the date thereof, as the Corporation may direct, and the interest thereon at such rate, not exceeding six per cent. per annum, as the Corporation shall determine, shall be payable half-yearly, according to the coupons attached thereto. Debentures, when payable.

12. No irregularity in the form, either of the said debentures, or of any by-law authorizing the issuing thereof, shall render the same invalid, or illegal, or be allowed as a defence to any action brought against the Corporation for the recovery of the amount of the said debentures and interest, or any, or either of them, or any part thereof. Irregularities in form not to invalidate debentures.

13. It shall not be necessary to obtain the assent of the electors of the said Town to the passing of any by-law under this Act, or to observe the formalities in relation thereto, prescribed by *The Consolidated Municipal Act, 1883*, or any Act amending the same. Assent of electors to by-law not necessary.

14. The said debentures and coupons may be made payable in sterling money, if the council shall so direct. Debentures may be payable in sterling money.

15. Nothing in this Act contained shall in any wise affect the claim of the Province of Ontario, in respect to the debt contracted under the Act establishing a Consolidated Municipal Loan Fund for Upper Canada, and the Acts amending the same, or the claims of the holders of the debentures issued in respect of the said debt, under the provisions of the Act passed in the 36th year of Her Majesty's reign, chapter 47, intituled *An Act Respecting the Municipal Loan Fund Debt, and respecting certain Payments to Municipalities.* This Act not to affect the Municipal Loan Fund Act.

CHAPTER 65.

An Act respecting the Debenture Debt of the Town of Sarnia.

[Assented to 25th March, 1886.]

Preamble.

WHEREAS the corporation of the Town of Sarnia has an outstanding debenture debt incurred for the construction of water works, bonuses to railways and manufacturers, and for the construction of lasting improvements in the Town of Sarnia of more than \$168,000, or thereabouts, portions whereof fall due during the year 1886 and the eleven following years; and whereas an aggregate rate of two cents in the dollar on the whole of the ratable property in said town will not, in any of such years, be sufficient to meet the current annual expenses of said town and such portion of the said debenture debt and interest thereon as will become due in such year; and whereas the amount of such debt and expenses which said aggregate rate will not be sufficient to meet, as aforesaid, will be (as nearly as may be) about \$10,000 for each of the years 1886 to 1890, both inclusive, and about \$5,000 for each of the years 1891 to 1897, both inclusive; and whereas the said corporation has prayed that an Act may be passed to empower the said corporation in each of the said years to borrow, on new debentures, such amount as may be reasonable to meet a portion of the said outstanding debentures maturing and to become due as aforesaid in the said years; and whereas the said corporation have by their petition represented that it has become necessary for sanitary and other reasons that the main sewer in said town, now partially constructed, should be completed, and that in order to complete the same it will be necessary to raise money by way of loan upon the credit of the debentures of the Town of Sarnia; and the said corporation prays that any debentures issued for such last-mentioned purpose, may be made payable within thirty years from the coming into force of the by-law authorizing the issuing of the same, instead of twenty years, as required by *The Consolidated Municipal Act, 1883*; and whereas it is expedient to grant the prayer of the said petition;

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

Power to
issue debentures,
to retire
outstanding
debentures.

1. Subject to the next section of this Act, the corporation of the Town of Sarnia may from time to time, during the years from 1886 to 1897, pass by-laws authorizing the issue of new debentures of the said town for an amount not exceeding in any one of the years 1886 to 1890, both years inclusive, the sum of \$10,000, and for an amount not exceeding in any one of the years 1891 to 1897,

1897, both years inclusive, the sum of \$5,000, for the purpose of retiring or removing a portion of the debentures and interest now outstanding against the said town, and falling due within the year in which such new debentures may be issued, as aforesaid, and such new debentures to be issued, as aforesaid, under said by-laws, may be in such sums and to such amounts, either in Canadian or sterling currency, as the said corporation may deem best: provided always that such by-laws shall be in conformity ^{Proviso.} and shall comply with the provisions of *The Consolidated Municipal Act, 1883*, and of the general municipal law from time to time in force in this Province, except that it shall not be necessary to obtain the assent of the electors of the said town to the passing of any such by-law, as aforesaid, nor of the Lieutenant-Governor in Council, either under *The Consolidated Municipal Act, 1883*, or any other general Act now or hereafter to be in force in this Province; and provided further that, ^{Proviso.} subject as aforesaid, the said new debentures so to be issued as aforesaid under said by-laws, and all moneys arising therefrom shall, to the full extent thereof, be applied only to retire and redeem the said outstanding debentures and interest so maturing and becoming due as aforesaid in the said years.

2. Notwithstanding anything in this Act contained, all the ^{Outstanding school debentures.} now outstanding debentures which are public school debentures, or which have been issued for public school purposes, or which are debentures for or towards the payment of which the supporters of separate schools, or their property, in the Town of Sarnia are not now liable or compellable to be rated or assessed, or outstanding debentures for local improvements, shall be provided for, retired and paid in all respects, as if this Act had not been passed.

3. Any by-law, or by-laws, which may hereafter be passed ^{Debt to be payable in thirty years.} by the said corporation to raise funds for the extension and completion of the sewer in the preamble mentioned, may provide that the debt created thereby shall be payable in thirty years at furthest from the date on which any such by-law takes effect, instead of twenty years: provided always that any such by-law or by-laws shall be in conformity and comply with the provisions of *The Consolidated Municipal Act, 1883*, and of the general municipal law from time to time in force in this Province.

CHAPTER 66.

An Act respecting the City of Toronto.

[Assented to 25th March, 1886.]

Preamble.

WHEREAS, the Corporation of the City of Toronto have, by their petition, prayed for special legislation relating to the several matters and things hereinafter set forth, and whereas it is expedient to grant the prayer of the said petition ;

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows :—

Don River Improvement.

Powers as to entering or acquiring lands and making contracts.

1. In view of the necessity which exists for improving the Don River, and securing the sanitary condition of that part of the City of Toronto contiguous to the said river, it is hereby enacted that the Council of the City of Toronto shall have power and authority ; and they are hereby authorized and empowered :—

1. To at any time enter with their engineers, surveyors, servants or agents, upon the land of any person or corporation lying between the waters of Toronto Bay, or Lake Ontario, and the line of Bloor Street, produced easterly across the River Don, and within a range or distance of 1,000 feet on either side of the said river, as at present located, for the purpose of making all necessary surveys, and taking all necessary levels, and doing all other things necessary and proper to enable them to determine upon the most feasible plan of improving the River Don and the lands in the valley on either side thereof, adjacent thereto, and securing the sanitary condition of the neighbourhood ;

2. To enter upon, take, use and acquire all land, and land covered by water lying between the waters of Toronto Bay, or Lake Ontario, and the said line of Bloor Street, produced easterly across the said River Don, and within a range or distance of 400 feet on either side of the centre line of the said river, as laid out on a map or plan prepared, or to be prepared, and adopted by the said Council, for the purpose of straightening, widening, deepening and improving the said river, reclaiming the flat lands on either side thereof, and filling in and otherwise improving the same, and fitting the said lands for such uses and purposes as they may see fit ;

3. To enter upon, take, and appropriate for the use of the said city, any lands of the Crown lying between the said last mentioned boundaries that have not been already granted or sold, and also so much of the public beach, or of the

the land covered with the waters of the bay or lake, within a range of 500 feet on either side of the centre of the said river, as shewn on the said plan;

4. To enter into any contract or contracts with any person or persons, or body corporate, who may be willing to undertake the same for the purpose of straightening the course of the said River Don between the line of Bloor Street, produced easterly, as aforesaid, and the Bay, or Lake Ontario (but such course need not necessarily be in a straight line), for widening said river to a width of not more than 120 feet, to deepen the same to such depth as the said Council may see fit, to fill in, improve, and raise the land on either side thereof, within the limits aforesaid, to such height as the said Council may see fit, and generally to carry out and complete all such works connected with the improvement of the said river, and the securing of the sanitary condition of the neighbourhood, as the said Council may be advised to be proper and necessary for the uses and purposes contemplated by this Act;

5. To contract with the owners and occupiers of the lands which the said Council is hereby authorized to take, within the limits aforesaid, and those having an interest in or right to use the said river within the limits above mentioned, for the purchase of the said lands, or of any part thereof, or of any privilege that may be required for the purposes of the said corporation in connection with the works and improvements contemplated by this Act;

6. In case of any disagreement between the Council and the owners or occupiers of, or other persons interested in any lands entered upon, taken or used by the said corporation in the exercise of any of the powers conferred by this Act, or injuriously affected by the exercise of said powers, as to the amount of purchase money of the said lands, or of any part thereof, or as to the amount of compensation to be made to any such person, every such dispute and claim shall be settled and determined by arbitration, under the provisions of *The Consolidated Municipal Act, 1883*, and amendments thereto, if any, on that behalf;

7. To lay out the said lands, after the completion of each section of the said improvement and works as hereinafter provided, on either side of the said river, according to such plan or plans of survey, as they may see fit, reserving next the margin of the said river, and the waters thereof, within the limits aforesaid, a strip of land not less than twenty-five feet in width for the purposes of railway tracks, switches and sidings, to be used and occupied as hereinafter mentioned, and reserving also on either side of the said river, within the limits aforesaid, and immediately adjoining the said reservation for railway purposes, a strip of land along the whole length thereof, within the limits aforesaid, not less than fifty feet in width for the purpose of a public highway or street.

Assessment of
improve-
ments.

2. Upon the certificate of the City Engineer or other officer having charge of said work or improvements, that sections two, three, four and five thereof, as hereinafter defined, have been duly completed and laid out according to a plan as above provided, the said council shall cause the total cost of the lands, improvements and works, including amounts paid for compensation and otherwise in connection with the said four sections and interest paid on temporary loans, if any, to be ascertained; and shall ascertain and determine the proportion, part or share of the said total cost, including interest as aforesaid, chargeable in respect of each and every lot or parcel of land as the same shall appear upon the plan of survey so to be made as aforesaid, after the completion of the said sections two, three, four, and five, of which completion the certificate of the said Engineer or other officer in charge of the said work shall be sufficient evidence. In ascertaining and determining the amount chargeable in respect of and against each lot as aforesaid, the said Council shall proceed, as in the case of assessing for local improvements, under the provisions of *The Consolidated Municipal Act, 1883*, and amendments thereto; and when the said assessments shall have been made and finally confirmed, the City Clerk shall cause a copy thereof to be filed in the Registry office for the City of Toronto, and give notice of such filing once in each week for four weeks in at least two of the daily newspapers published in the city of Toronto.

Conveyances
to owners of
lots expro-
priated.

3. Any person or corporation who may have owned any such lot or lots of land prior to its expropriation by the said Council under the provisions of this Act, or the heirs or assigns or successors of any such previous owner shall, where any such lot adjoins other property belonging to him or them, and lies between such other property and the channel of the said river improvements, at any time within one year after the publication of the notice of filing a copy of the said assessment in the registry office for the City of Toronto, as above provided, be entitled, upon payment to the said corporation of the amount charged against any such lot or lots, together with interest thereon from the date of the assessment, to have a conveyance of the lot or lots executed by the said Corporation (upon tendering the same for execution), and the said lot or lots shall be so conveyed free and clear of all charges and incumbrances, and of the lien created by this Act.

Corporation
may take less
than 400 feet
on each side of
the river
channel.

4.—(1) If for any reason, such as the existence of valuable buildings and improvements upon any lands situate within the four hundred feet limit on either side of the centre line of the Don River channel so to be straightened as aforesaid, or if for any other reason, it shall not be deemed desirable to take any portion of the said lands beyond the quantity required for the formation of the new channel, and the said allowance for railway and highway purposes, the said Council may take only so much land as may be necessary for the purposes last above mentioned,

mentioned, and shall take such other lands now on one side of the river as shall, by the effect of the improvement be transferred to the other side of the river when straightened and improved, as herein provided.

(2) Any lands now on one side of the river which shall be cut off from the lots to which the same now belong by the effect of the proposed improvement, and transferred to the other side of the river when straightened shall, upon payment of the cost thereof, together with a proportionate part of the cost of the improvement, to be ascertained and determined as herein provided within one year after the completion of the works, be conveyed to the owner of the lands which shall adjoin the same on such other side of the river.

(3) In any case where the said Council shall take a less quantity of land than four hundred feet, on either side of the centre line of the new channel, the lands within the four hundred feet limit not taken, adjoining the improvement, shall become liable to be specially assessed, and shall be specially assessed in respect of said improvement, as for a local improvement, under the provisions of *The Consolidated Municipal Act, 1883*, and amending Acts in that behalf, but no such special assessment upon any lot, piece or parcel of land shall exceed the actual value of the benefit derived by said lands from the said improvement, the amount of such benefit to be ascertained, under the provisions of the municipal Acts, in that behalf.

5. The Council of the Corporation of the City of Toronto shall, before commencing the straightening and improvement of the Don River and Marsh lands under the provisions of this Act, cause proper plans of survey to be made and proper plans, profiles, drawings and specifications, of the work to be done and improvements to be made, to be prepared, and procure estimates of the probable cost of the lands to be taken and improvements to be made, shewing the probable amount which will be charged against, assessed and levied upon the lands benefited as for a local improvement, and the amount or proportion of the cost of such improvements which will be assumed and paid for by the City at large, and shall cause the same to be duly published for the information of the ratepayers, and they shall also submit the question of undertaking the said work at the estimated cost to a vote of the electors qualified to vote on money by-laws under the provisions of *The Consolidated Municipal Act, 1883*, and amending Acts in that behalf. Publication of estimates, etc.

6. In the event of a majority of the said electors voting in favour of and approving the said scheme, the said improvement and works shall be proceeded with without delay, and no by-law for raising, to the amount authorized by the vote of the ratepayers, any loan, or loans from time to time, Commencement of works.

time, by the issue of debentures for any of the purposes aforesaid, shall require to be submitted to a vote of the electors for approval before the final passing thereof, anything in the said *Consolidated Municipal Act, 1883*, and amendments thereto, or any special or private Act or Acts to the contrary, notwithstanding.

Expenditure not to be considered as part of the city debt.

7. No debt, incurred under the provisions of this Act, except so much as may be incurred to meet that part of the cost of the said improvements and works to be charged to and paid for by the City at large as the City's share thereof, shall be reckoned as the debt of the City proper, and as coming within the limitation of the City debt as fixed by the said Act passed in the 42nd year of Her Majesty's reign and chaptered 75.

Agreements with Railway Companies.

8. It shall and may be lawful for the said Council to make agreements with any railway company or companies whereby any such railway company or companies may acquire the use of the reservation for railway purposes above provided for, upon such conditions as may be agreed upon between the said Council and any such company or companies: provided always that no one railway company shall acquire any exclusive right of property in or control over the same or any part thereof, and all railways shall be entitled to the use thereof upon equal terms, and upon paying their just share and proportion of any expenditure which shall have been made or which may at any time require to be made for construction, maintenance and repairs of tracks, switches, and other necessary works required for the proper use thereof, and the fee of the said land shall always remain in the Corporation of the City of Toronto.

Work may be done in sections.

9. The said contracts may be let, and the said works may be carried on and completed in sections as follows:

1. The first section shall extend from the line of Bloor Street produced easterly across the said river, as aforesaid, southerly to the line of Winchester Street, produced easterly across said river;

2. The second section shall extend from the said line of Winchester Street, produced southerly to the line of Carleton Street, produced easterly across said river;

3. The third section shall extend from the said produced line of Carleton Street, southerly to the produced line of King Street across the said river;

4. The fourth section shall extend from the said produced line of King Street, southerly to the line of Eastern Avenue produced easterly across the said river;

5. The fifth section shall extend from the said produced line of Eastern Avenue, southerly to the northern boundary line of the marsh lands heretofore patented to and belonging to the City of Toronto;

6.

6. The sixth section shall extend southerly, or otherwise, to the waters of the Bay, or Lake Ontario, and to such point as may be determined by the said Council.

10. The said Council may commence the said works and carry on the same from time to time at such point or points, and upon such section or sections, as may to them seem best and most advantageous: provided always that the above sections, numbered two to six, both inclusive; shall be proceeded with and carried to completion with as little delay as possible.

Manner in which works may be carried on by Council.

11. The said Council shall have full power and authority to erect and build over and across the said river at such points and places, and in such manner as they may deem best, all such bridges, with proper approaches thereto, as they may consider necessary, and may change the location of any existing highway bridge.

Erection of bridges.

12. The said Council shall also have full power and authority to lease or sell any lot or lots of the said lands, as the same may be laid out upon the plan of survey, so to be made as aforesaid, which shall remain the property of the City of Toronto, after the time shall have expired within which previous owners or their representatives may be entitled to a conveyance, as herein provided; and said lots may be so leased or sold upon such terms as to the said Council may seem best: provided always that no such lot shall be sold for a less sum than the amount appearing chargeable against it by the assessment so to be made and filed as aforesaid, nor shall any lot be leased for a longer period or term than forty-two years. Lots sold as above provided, shall be sold and conveyed, freed and discharged of the lien created by this Act, but the purchase money thereof shall be paid into, and form part of the sinking fund hereinafter mentioned.

Leasing of certain lots by Council.

13. In view of the present unsanitary condition of that part of the said river and neighbourhood hereinafter mentioned, and of the necessity of commencing said works without delay, it shall and may be lawful for the said Council, notwithstanding anything in *The Consolidated Municipal Act, 1883*, or any special or private Act relating to the City of Toronto contained, and subject as hereinbefore provided in section 6 of this Act, to pass such By-laws as may from time to time be necessary to raise a loan or loans for such amount or amounts, not exceeding in all \$300,000, as may be necessary for the purposes of improving that part of the said River Don lying below and south of the line of Winchester Street produced easterly across the said river, and the construction and completion of the works connected therewith, including the purchase money for lands taken and compensation for damages as above provided, and to issue any number of

Borrowing powers.

of debentures payable in this Province, or elsewhere, in sums of not less than \$100, which may be requisite and necessary therefor.

Form of
debentures.

14. The debentures to be issued for the purposes aforesaid shall be payable in forty years from the respective dates thereof or such shorter period as the Council may determine with interest thereon, in the meantime, at a rate not exceeding six per centum per annum, payable half-yearly; and for the purpose of redeeming the said debentures and paying the interest thereon, it shall and may be lawful for the said Council in any By-law or By-laws to be passed for authorizing any such loan or loans, or any part thereof, and the issuing of debentures therefor, to impose a special rate per annum upon all ratable real and personal property in the municipality, to be called "The Don River and Marsh Lands Improvement Rate," over and above and in addition to all other rates to be levied in each year, which shall, together with such annual sum as the said Council may receive from the rentals of the said lands so to be improved and leased as aforesaid, or any of them, or income or revenue derived from the said improvements and works, or any of them, under any leases or agreements in that behalf with any persons or corporations who may use or occupy the same, or any part thereof, and from any special assessments which shall be made upon lands benefited, but not taken, as hereinbefore provided, be sufficient to form a sinking fund to retire said debentures when the same mature, over and above the interest payable on such debentures, which sinking fund shall be invested in each year either in the debentures provided for by this Act, or in other debentures of the municipality or Government debentures.

Power to
issue debentures under 42
V. cap. 75.

15. The said Council may, in their option, in lieu of issuing debentures under this Act, issue debentures to an amount not exceeding the said sum of \$300,000, for the purposes aforesaid, under the provisions of the Act passed by the Legislature of the Province of Ontario, in the 42nd year of the reign of Her Majesty, chaptered 75, entitled, *An Act respecting the Debenture Debt and certain property of the City of Toronto.*

Improve-
ments to be a
charge on the
land.

16. The works and improvements to be constructed under the provisions of this Act, and all lands to be acquired for the purposes thereof, or in connection therewith, and every matter and thing therewith connected, shall be and they are hereby specially charged, pledged, mortgaged and hypothecated for the repayment of any sum or sums which may be borrowed by the said Corporation for the purposes of this Act, except as to so much of the debt as may be incurred to defray the City's share of the cost of the said improvements, including the cost of bridges as well as for the due and punctual payment of the interest thereupon, unless and until the same are freed and discharged under the provisions of section 3 of this Act; and

and all rents, issues and profits, or other income in any manner derived therefrom, or from any part thereof, shall be paid into a special fund, and be applied in and towards the payment of the interest accruing, due from time to time upon any loan or loans which may have been obtained under the provisions of this Act, and all amounts which may be paid in or received at any time and from time to time, other than income or rents, shall be placed to the credit of, and form part of, the sinking fund created by this Act, and shall be invested by the said Corporation either in the purchase of the debentures issued under authority of this Act, or of other debentures of the City of Toronto, or of Government debentures.

17. The several sections of this Act, from section 1 to section 16, both inclusive, shall not apply to the lands or property used or required by the Grand Trunk Railway Company of Canada for their railway sidings or works, unless otherwise agreed upon between the said City and the said Company, and then only to the extent so agreed upon—and with respect to any other lands of the said Company which may be affected by the improvements in the said sections authorized, the said Company shall fill in, and do all the work required in making said improvements on the said lands, according to the plans fixed for said works, subject to the approval of the Engineer in charge of the said works, on behalf of the City, and no part of the property of the said Railway Company shall be taken or charged under this Act, as in the said sections provided.

Sections 1-16
not to apply to
Grand Trunk
Railway.

Miscellaneous.

18. The Council of the Corporation of the City of Toronto may pass a by-law for taking so much land as may be required for a new cattle market, subject to the right of the owner or owners to receive all due and proper compensation therefor, the same to be settled by arbitration under the provisions of *The Consolidated Municipal Act, 1883*, and amending Acts in that behalf, in case the parties differ about the same : provided, that no by-law for the taking or purchasing of any such lands for the purposes aforesaid, shall be passed until the necessary funds shall have been first provided by by-law submitted to and approved of by the vote of the ratepayers duly qualified to vote on such by-law under *The Consolidated Municipal Act, 1883*.

Cattle market.

19. The Council of the Corporation of the City of Toronto may pass by-laws for authorizing the reduction of the annual sinking fund rate, or amount required to be collected under local improvement by-laws passed by the council prior to the Act passed by the Legislative Assembly of the Province of Ontario, in the 42nd year of the reign of Her Majesty, chaptered 31, and for making allowance for the interest accrued from the investment of the amounts of sinking fund heretofore collected under such by-laws: provided always that in settling the sum to

Reduction of
sinking fund
under 42 V.
c. 31.

to be raised annually for the remaining years which any such by-law has to run for the payment of the debt, in lieu of the sinking fund rate fixed by the original by-law, the rate of interest on future investments shall not be estimated at more than five per cent. per annum, to be capitalized yearly: provided also that no by-law reducing the sinking fund rates, fixed by any such local improvement by-law, shall become valid or effectual until the same shall have been assented to by the Lieutenant-Governor in Council.

Power to
guarantee
local improve-
ment debentures.

20. In the matter of by-laws passed, or to be passed for works payable by local assessment, in order to facilitate the negotiation of debentures issued thereunder, and add to their commercial value, it shall be lawful for the said City of Toronto to declare that the debt to be created on the security of the special rate settled by the by-law is further guaranteed by the city at large, any thing contained in sub-section (d) to section 343, of *The Consolidated Municipal Act, 1883*, to the contrary notwithstanding.

Assessments
in St. Mark's
Ward.

21. In the matter of the recent annexation of the late Municipality of the Village of Brockton to the City of Toronto as St. Mark's Ward in the said city, and with regard to the by-laws passed by the council of said late Municipality of Brockton, set out in the schedule to the Act passed in the 47th year of Her Majesty's reign, chapter 47, and with regard to any other by-laws passed by the said Council, authorizing the issue of debentures for general school or local improvement purposes, or for incurring debts by way of temporary loans in anticipation of the completion of works, and ascertaining the exact cost thereof in anticipation of the future local special assessments to be made upon the properties benefited by the improvements, and the passage of by-laws for the issue of debentures to retire such temporary loans, under the provisions of *The Consolidated Municipal Act, 1883*, and amending Acts in that behalf, in order to remove all doubts as to the validity of said by-laws and assessments, where made, and the value of any debentures issued under such by-laws, and in order to provide for the payment of the principal and interest of the debts incurred by the said late Village of Brockton, for the construction of such local improvements to be paid for by special assessments where such assessments have not been made; it shall be lawful for the Council of the Corporation of the City of Toronto to pass by-laws providing for new and proper special local assessments, where assessments have been heretofore made by the Council of the said late Village of Brockton in lieu of the assessments and ratings heretofore made upon real property benefited by such local improvements, and for making proper special local assessments, where local improvements have been made with money borrowed in anticipation of the special assessments thereafter to be made upon the real property benefited, and where such assessments have

have not yet been made; and for providing funds to meet the local improvement debts incurred by the said late Village of Brockton, as well upon the credit of the Village at large, as upon the security of the local special assessments made or to be made, and for providing for the issue of debentures under the seal of the said city, and for assessing and levying all sufficient rates for providing the interest to be paid, and the sinking fund to be invested in relation thereto: provided that after the making of such new assessments and ratings, and the passing of said by-laws any ratings heretofore made in that behalf, shall be held to be null and void, save and except as to any payments thereunder, which payments shall be duly adjusted for the benefit of the parties concerned in bringing the new assessments and ratings into effect; and it shall be further lawful for the said City of Toronto to exchange the debentures so to be issued, for the purposes aforesaid, under the seal of the said city for any debentures of the late Village of Brockton which may have been sold or are held by parties, either by absolute purchase or as security for cash advances made to the said late municipality.

22. All by-laws heretofore passed by the said Council of the Corporation of the City of Toronto, for borrowing money on the general credit of the city to provide for the payment of the city's share of local improvements and works, for borrowing money by the issue of debentures secured by special assessment on the Toronto Street Railway Company, to provide for the payment of the cost of their share of local improvements and works, and for borrowing money by the issue of debentures secured by special assessment on the real property benefited by such improvements and works, are hereby declared valid and effectual.

Confirmation
of by-laws and
debentures.

23.—(1) Notwithstanding anything in *The Consolidated Municipal Act, 1883*, and amendments thereto, or any special or private Act relating to the said City of Toronto and the debenture debt thereof to the contrary, it shall and may be lawful, subject as hereinafter provided, for the council of the Corporation of the City of Toronto to pass all such by-laws as may from time to time be necessary to raise loans, and for borrowing money by the issue and sale of debentures of the City of Toronto; such debentures to be made payable within forty years, or such less time as the council may determine, to an amount not exceeding the sum of \$1,500,000, for the purpose of carrying out a complete system of drainage, and constructing the necessary works connected therewith and required therefor, and for improving the sanitary condition of the City of Toronto: provided that before passing any such by-law or undertaking such work, a system of drainage, together with an estimate of the cost thereof, shall be submitted to and approved by the council, and provided also that the question of undertaking the construction

Authority to
borrow
\$1,500,000 for
drainage
purposes.

struction of such system of drainage and the necessary works connected therewith at the estimated costs thereof, shall be submitted to and approved of by the vote of the majority of the electors voting thereon, entitled to vote on money by-laws under the provisions of *The Consolidated Municipal Act, 1883*, and amending Acts, but thereafter it shall not be necessary to submit the by-laws providing for the issue of the debentures and for borrowing, from time to time the sum of money authorized by the ratepayers to carry on and complete the said improvement and works to the vote of the electors.

(2) Debentures issued under the provisions of this enactment and the moneys borrowed thereunder, shall not be reckoned as part of the general city debt, and the provisions of the Act passed in the 42nd year of Her Majesty's reign, chaptered 75, whereby the general debenture debt of the city is limited, shall not apply to any debt created under this enactment.

(3) All moneys borrowed under the provisions of this enactment shall be kept apart and as a separate fund, to be known as the Drainage Fund, and shall be applied to no other purposes than the purposes herein mentioned.

(4) The debentures to be issued in pursuance of this enactment shall be known and designated as "City of Toronto Public Drainage Debentures," and shall be so designated on the face thereof.

CHAPTER 67.

An Act to Incorporate the Georgian Bay and Lake Huron Railway Company.

[Assented to 25th March, 1886.]

Preamble.

WHEREAS Frank Turner, Alfred Hoskin, Perrott Long Innes, John Alexander Dunbar Vickers, George Samuel MacKay, Alexander John Cattanaach, Robert Charles Turner, Charles Patrick, and George Sandfield Macdonald, have petitioned for an Act to incorporate a company to construct and operate a railway from some point at or near the Village of Southampton, in the County of Bruce, or from a point at or near the Village of Port Elgin, in the said county, or from both of said points, to a point at or near the Town of Meaford, in the County of Grey; and whereas it is expedient to grant the prayer of the said petition;

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. Frank Turner, of the Township of York, civil engineer; ^{Incorporation.} Alfred Hoskin, of the City of Toronto, Queen's Counsel, Perrott Long Innes, of the said City of Toronto, Civil Engineer, John Alexander Dunbar Vickers, of the said City of Toronto, Express Company's Manager, George Samuel MacKay, of the said City of Toronto, Esquire, Alexander John Cattanaach, of the said City of Toronto, Barrister-at-Law, Robert Charles Turner, of Leamington, England, Civil Engineer, Charles Patrick, of Cloughfold, Lancashire, England, Esquire, and George Sandfield Macdonald, of the said City of Toronto, Barrister-at-Law, together with such other person or persons, corporation or corporations, as shall under the provisions of this Act become shareholders in the company hereby incorporated, shall be and are hereby ordained, constituted and declared to be a body corporate and politic, by and under the name of *The Georgian Bay and Lake Huron Railway Company* (hereinafter called the company). ^{Corporate name.}

2. The several clauses of *The Railway Act of Ontario*, shall be incorporated with, and be deemed to be part of this Act, ^{Railway Act incorporated.} and shall apply to the said Company, and to the railway to be constructed by them, except only so far as they may be inconsistent with the express enactments hereof; and the expression "this Act," when used herein, shall be understood to include the clauses of the said Railway Act so incorporated with this Act.

3. The said Company hereby incorporated, and their servants and agents, shall have full power under this Act to construct and operate a railway, with all its stations, sidings, telegraphs, and accessories, from any point on the shore of Lake Huron, within the Village of Southampton, in the County of Bruce, with power to connect at or near such point with the Wellington, Grey, and Bruce Railway, now leased to and used by the Grand Trunk Railway Company of Canada; or from any point at or near the Village of Port Elgin, in the said County of Bruce, or from both such points, with power to connect both such points with the said Wellington, Grey, and Bruce Railway; thence in an easterly direction to a point at or near Allenford, on the line of the Georgian Bay and Lake Erie Railway, also leased to and operated by the said Grand Trunk Railway Company of Canada, from thence continuing easterly to the navigable waters of the Georgian Bay, in the Town of Owen Sound thence continuing easterly to a point at or near the Town of Meaford, with power to continue to the waters edge of the Georgian Bay, within the said Town of Meaford, and to connect at or near the said Town of Meaford, with the Northern Railway of Canada. ^{Location of line.}

4. The gauge of the said railway shall be four feet eight and one half inches. ^{Gauge.}

Provisional
Directors.

5. From and after the passing of this Act, the said Frank Turner, Alfred Hoskin, Perrott Long Innes, John Alexander Dunbar Vickers, and George Samuel Mackay, with power to add to their number, shall be and are hereby constituted a board of provisional directors of the said Company, and shall hold office as such until the first election of directors under this Act.

Form of
Conveyances.

6. Conveyances of land to the said Company for the purposes of and powers given by this Act, made in the form set forth in Schedule A hereunder written, or to the like effect, shall be sufficient conveyance to the said Company, their successors and assigns, of the estate or interest therein mentioned, and sufficient bar of dower, respectively, of all persons executing the same; and such conveyances shall be registered in such manner and upon such proof of execution as is required under the Registry Laws of Ontario; and no registrar shall be entitled to demand more than seventy-five cents for registering the same, including all entries and certificates thereof, and certificates indorsed on the duplicates thereof.

Powers of
provisional
directors.

7. The said board of provisional directors shall have power forthwith to open stock books and procure subscriptions of stock for the undertaking, and to allot the stock, and to receive payments on account of stock subscribed, and to make calls upon subscribers in respect to their stock, and to sue for and recover the same; and to cause plans and surveys to be made, and to receive for the Company any grant, loan, bonus or gift made to it, or in aid of the undertaking, and to enter into any agreement respecting the conditions or disposition of any gift or bonus in aid of the railway, and with all such other powers as under *The Railway Act of Ontario*, are vested in ordinary directors; the said directors, or a majority of them, or the board of directors to be elected as hereinafter mentioned may, in their discretion, exclude any one from subscribing for stock who, in their judgment, would hinder, delay or prevent the Company from proceeding with and completing their undertaking under the provisions of this Act; and if at any time a portion or more than the whole stock shall have been subscribed, the said provisional directors or board of directors, shall allocate and apportion it amongst the subscribers, as they shall deem most advantageous and conducive to the furtherance of the undertaking; and in such allocation, the said directors may, in their discretion, exclude any one or more of the said subscribers, if, in their judgment, such exclusion will best secure the building of the said railway; and all meetings of the provisional board of directors shall be held at the City of Toronto, or at such other place as may best suit the interest of the said Company.

Capital stock.

8. The capital of the Company hereby incorporated shall be \$500,000, with power to increase the same in manner provided

by

by *The Railway Act of Ontario*, to be divided into ten thousand shares of \$50 each, and shall be raised by the persons and corporations who may become shareholders in such Company; and the money so raised and paid into the Company shall be applied in the first place to the payment of all costs, charges and expenses of and incidental to the obtaining of this Act, and of all expenses for making the surveys, plans and estimates connected with the works hereby authorized; and all the remainder of such money shall be applied to the making, equipment, completion and the operating of the said railway, and the other purposes of this Act, and to no other purpose whatever; and until such preliminary expenses shall be paid out of such capital stock, the municipal corporation of any municipality on or near the line of such works may, by resolution, of which seven days' previous notice shall have been given, and passed by a majority of the said municipal corporation, authorize the treasurer of such municipality to pay out of the general funds of such municipality its fair proportion of such preliminary expenses, which shall thereafter, if such municipality shall so require, be refunded to such municipality from the capital stock of the said Company, or be allowed to it in payment of stock.

Municipal aid
for preliminary
expenses.

9. When and so soon as shares to the amount of \$50,000 of the capital stock of the said company shall have been subscribed, and ten per centum thereon paid into some chartered bank of the Dominion having an office in the Province of Ontario, to the credit of the Company, and which shall on no account be withdrawn therefrom unless for the services of the Company, the provisional directors shall call a general meeting of the subscribers to the said capital stock, who shall have so paid up ten per centum upon the amounts subscribed by them, for the purpose of electing directors of the said Company.

First meeting
for election of
directors.

10. In case the provisional directors neglect to call a meeting for the space of three months after \$50,000 of the capital stock shall have been subscribed, and ten per centum thereof so paid up, the same may be called by any five of the subscribers who shall have so paid up ten per centum, and who are subscribers collectively for not less than \$5,000 of the capital stock, and who have paid up all calls thereon.

Provision in
case
directors
neglect to
call meeting.

11. In either of the cases last mentioned, notice of the time and place of holding such general meeting shall be given by publication in at least one of the daily newspapers in the City of Toronto, once in each week for the space of at least one month, and in the *Ontario Gazette*; and such meeting shall be held in the said City of Toronto, at such place therein, and on such day, and at such hour as may be named and set forth in such notice.

Notice and
place of
meeting.

12. At such general meeting the subscribers to the capital stock

Election of
directors.

stock, present in person or by proxy, who shall have so paid up ten per centum in respect to their subscriptions, shall choose not less than five nor more than eight persons to be directors of the said Company, which said directors shall constitute a board of directors, and shall hold office until the next annual general meeting, or until other directors be elected in their stead; and may also make and pass such rules, regulations and by-laws as may be deemed expedient, provided they be not inconsistent with this Act.

Qualification
of directors.

13. No person shall be qualified to be a director unless he be a shareholder holding at least fifty shares of stock in the said Company, and unless he has paid up all calls thereon.

Rights of
aliens.

14. Aliens as well as British subjects, and whether resident within this Province or elsewhere, may be shareholders in the said Company; and all such shareholders shall be entitled to vote on their shares equally with British subjects, and shall also be eligible to hold office as directors in the said Company.

Annual
meetings.

15. Thereafter the annual general meeting of the shareholders of the said Company shall be held at such place in the City of Toronto, and on such days, and at such hours as may be directed by the by-laws of the said Company; and public notice thereof shall be given at least thirty days previously in the *Ontario Gazette*, and once in each week, during the four weeks preceding the week in which such meeting is to be held, in at least one of the daily newspapers published in the City of Toronto.

Special
meetings.

16. Special general meetings of the shareholders of the said Company may be held at such places in the City of Toronto, and at such times and in such manner and for such purposes as may be provided by the by-laws of the said Company, and after due notice shall be given as provided in the last preceding section.

Aid to
company.

17. The said Company may receive from any Government, or from any person or bodies corporate or politic, who may have power to make or grant the same, aid towards the construction, equipment or maintenance of the said railway, or of any of the works authorized under this Act to be undertaken, by way of gift, bonus, or loan of money or debentures, or other securities for money, or by way of guarantee, upon such terms and conditions as may be agreed upon.

Aid from
municipalities

18. Any municipality, or any portion of any township municipality, which may be interested in securing the construction of the said railway, or through any part of which, or near which, the railway or works of the said Company shall pass or be situate, may aid the said Company by giving money or debentures, by way of bonus, gift, or loan, or by the guarantee

guarantee of the municipal corporation, under and subject to the provisions hereinafter contained : provided always that such aid shall not be given except after the passing of a by-law for the purpose, and the adoption of such by-law by the qualified ratepayers of the municipality or portion of the municipality, as the case may be, in accordance with and as provided by law in respect to granting aid by way of bonuses to railways. Proviso.

19. Such by-law shall be submitted by the municipal council to the vote of the ratepayers, in manner following, namely :— Provisions as to bonus by-laws.

1. The proper petition shall first be presented to the council expressing the desire to aid the railway, and stating in what way and for what amount, and the council shall within six weeks after the receipt of such petition by the clerk of the municipality, introduce a by-law to the effect petitioned for, and submit the same for the approval of the qualified voters ;

2. In the case of a county municipality, the petition shall be that of a majority of the reeves and deputy-reeves, or of fifty resident freeholders in each of the minor municipalities of the county, who are qualified voters under *The Consolidated Municipal Act, 1883* ;

3. In the case of other municipalities the petition shall be that of a majority of the council thereof, or of fifty resident freeholders, being duly qualified voters under *The Consolidated Municipal Act, 1883*, as aforesaid ;

4. In the case of a section of a township municipality, the petition is to be presented to the council, defining the section by metes and bounds, or lots and concessions, and shall be that of a majority of the council of such township municipality, or of fifty resident freeholders in such section of the municipality, being duly qualified voters as aforesaid.

20. Such by-law shall in each instance provide :—

Provisions of by-law.

1. For raising the amount petitioned for in the municipality or portion of the township municipality, (as the case may be,) mentioned in the petition, by the issue of debentures of the county or minor municipality respectively, and shall also provide for the delivery of the said debentures, or the application of the amount to be raised thereby, as may be expressed in the said by-law ;

2. For assessing and levying upon all ratable property lying within the municipality or portion of the township municipality defined in said by-law, (as the case may be,) an annual special rate sufficient to include a sinking fund for the repayment of the said debentures within twenty years, with interest thereon, payable yearly or half-yearly, which debentures the respective municipal councils, wardens, mayors, reeves, and other officers thereof, are hereby authorized to execute and issue in such cases respectively.

Provisions for referring to arbitration disputes as to bonus by-laws.

21. In case of aid from a county municipality, fifty resident freeholders of the county may petition the county council against submitting the said by-law, upon the ground that certain minor municipalities or portions thereof comprised in the said by-law, would be injuriously affected thereby, or upon any other ground ought not to be included therein, and upon deposit by the petitioners with the treasurer of the county, of a sum sufficient to defray the expense of such reference, the said council shall forthwith refer the said petition to three arbitrators, one being the Judge of the County Court, one being the Registrar of the county or of the riding in which the county town is situate, and one being an engineer appointed by the Commissioner of Public Works for Ontario, who shall have power to confirm or amend the said by-law by excluding any minor municipality or any section thereof therefrom, and the decision of any two of them shall be final, and the by-law so confirmed or amended shall thereupon, at the option of the railway company, be submitted by the council to the duly qualified voters, and in case the by-law is confirmed by the arbitrators, the expense shall be borne by the petitioners against the same; but if amended, then by the Railway Company or the county, as the arbitrators may order.

Minor municipality, meaning of.

22. The term "minor municipality" shall be construed to mean any town not separated from the municipal county, township, or incorporated village situate in the county municipality.

Deposit for expenses.

23. Before any such by-law is submitted, the Railway Company shall, if required, deposit with the treasurer of the municipality, a sum sufficient to pay the expenses to be incurred in submitting said by-law.

If by-law carried, council to pass same,

24. In case the by-law submitted be approved of and carried in accordance with the provisions of the law in that behalf, then within four weeks after the date of such voting, the municipal council which submitted the same shall read the said by-law a third time, and pass the same.

And issue debentures.

25. Within one month after the passing of such by-law, the said council and the mayor, warden, reeve, or other head, or other officers thereof, shall issue or dispose of the debentures provided for by the by-law, and deliver the same duly executed to the trustees appointed, or to be appointed under this Act.

Levying rate on portions of municipality.

26. In case any such loan, guarantee or bonus be so granted by a portion of a township municipality, the rate to be levied for payment of the debentures issued therefor, and the interest thereon, shall be assessed and levied upon such portion only of such municipality.

Application of Municipal Act as to by-law.

27. The provisions of *The Consolidated Municipal Act, 1883*, and the amendments thereto, so far as the same are not inconsistent

tent with this Act, shall apply to any by-law so passed by or for a portion of a township municipality, to the same extent as if the same had been passed by or for the whole municipality.

28. The councils for all corporations that may grant aid by way of bonus to the said company may, by resolution or by-law, extend the time for the commencement of the work beyond that stipulated for in the by-law or by-laws granting such aid from time to time; provided that no such extension shall be for a longer period than one year.

Extension of time for commencement.

29. It shall and may be lawful for the council of any municipality that may grant aid by way of bonus to the said Company, by resolution or by-law, to extend the time for the completion of the works, (on the completion of which the said Company would be entitled to such bonus), from time to time, provided that no such extension shall be for a longer period than one year at a time.

Extension of time for completion.

30. Any municipality or portion of a township municipality interested in the construction of the road of the said Company, may grant aid by way of bonus to the said Company towards the construction of such road, notwithstanding that such aid may increase the municipal taxation of such municipality or portion thereof, beyond what is allowed by law; provided that such aid shall not require the levying of a greater aggregate annual rate for all purposes, exclusive of school rates, than three cents in the dollar upon the value of the ratable property therein.

Rate not exceeding three cents in the dollar valid.

Proviso.

31. It shall be lawful for the corporation of any municipality, through any part of which the railway of the said Company passes or is situated, by by-law expressly passed for that purpose, to exempt the Company and its property within such municipality, either in whole or in part, from municipal assessment or taxation, or to agree to a certain sum per annum or otherwise in gross, or by way of commutation or composition for payment, or in lieu of all or any municipal rates or assessments to be imposed by such municipal corporation, and for such term of years as such municipal corporation may deem expedient, not exceeding twenty-one years, and no such by-law shall be repealed unless in conformity with a condition contained therein.

Exemption from taxation.

32. Any municipality through which the said railway may pass or is situate, is empowered to grant by way of gift to the said Company, any lands belonging to such municipality or over which it may have control, which may be required for right of way, station grounds or other purposes connected with the running or traffic of the said railway; and the said railway company shall have power to accept gifts of land from any government, or any person or body politic or corporate, and shall have power to sell or otherwise dispose of the same for the benefit of the said company.

Grants of land.

Trustees of
debentures.

33. Whenever any municipality or portion of a township shall grant aid by way of bonus or gift to the railway company, the debentures therefor, shall within six months after the passing of the by-law authorizing the same, be delivered to three trustees to be named, one by the Lieutenant-Governor-in-Council, one by the said Company, and one by the majority of the heads of the municipalities which have granted bonuses, or in case of only one municipality granting a bonus, then by the head of such municipality, all of the trustees to be residents of the Province of Ontario; provided that if the said heads of the municipalities, or head of the said municipality, shall refuse or neglect to name such trustee within one month after notice in writing of the appointment of the Company's trustee, or if the Lieutenant-Governor in Council shall omit to name such trustee within one month after notice in writing to him of the appointment of the other trustees, then in either case the Company shall be at liberty to name such other trustee or trustees. Any of the said trustees may be removed and a new trustee appointed in his place at any time by the Lieutenant-Governor in Council, and in case any trustee dies or resigns his trust, or goes to live out of the Province of Ontario, or otherwise becomes incapable to act, his trusteeship shall become vacant and a new trustee may be appointed by the Lieutenant-Governor in Council.

Proviso.

Trusts of
proceeds of
debentures.

34. The said trustees shall receive the said debentures or bonds in trust, (firstly) under the directions of the Company, but subject to the conditions of the by-law in relation thereto as to time or manner, to convert the same into money or otherwise dispose of them; secondly, to deposit the debentures or amount realized from the sale in some chartered bank having an office in the City of Toronto, in the name of "The Georgian Bay and Lake Huron Railway Municipal Trust Account," and to pay the same out to the said Company from time to time as the said Company becomes entitled thereto, under the conditions of the by-law granting the said bonus, and on the certificate of the chief engineer of the said railway for the time being, in the form set out in schedule "B," hereto, or to the like effect, which certificate shall set forth that the conditions of the by-law have been complied with, and is to be attached to the cheque or order drawn by the said trustees for such payment or delivery of debentures, and such engineer shall not wrongfully grant any such certificate, under a penalty of \$500, recoverable in any court of competent jurisdiction, by any person who may sue therefor.

Fees to
Trustees.

35. The trustees shall be entitled to their reasonable fees and charges from said trust fund, and the act of any two of such trustees shall be as valid and binding as if the three had agreed.

Power to
make and

36. The said Company shall have power and authority to become

become parties to promissory notes and bills of exchange for sums not less than \$100, and any such promissory note made or endorsed, or any such bill of exchange drawn, accepted or endorsed by the president or vice-president of the company, and countersigned by the secretary, treasurer, or other proper officer of the said Company, and under the authority of a quorum of the directors, shall be binding on the said Company; and every such promissory note or bill of exchange so made, accepted or endorsed, shall be presumed to have been made, accepted or endorsed with proper authority, until the contrary be shewn; and in no case shall it be necessary to have the seal of the Company affixed to such promissory note or bill of exchange, nor shall the president or vice-president, or the secretary or treasurer, or other officer aforesaid, be individually responsible for the same, unless the said promissory notes or bills of exchange have been issued without the sanction and authority of the board of directors, as herein provided and enacted: provided, however, that nothing in this section shall be construed to authorize the said Company to issue any note or bill of exchange payable to bearer or intended to be circulated as money, or as the notes or bills of a bank.

endorse notes
and bills
without
affixing seal.

37. Every shareholder of one or more shares of the said capital stock shall at any general meeting of the shareholders be entitled to one vote for every share so held.

Scale of votes.

38. At all meetings of the shareholders of the Company, the stock held by municipal and other corporations may be represented by such persons as they shall respectively have appointed in that behalf by resolution under the seal of the corporation, and such persons shall at such meeting be entitled equally with other shareholders to vote by proxy; and no shareholder shall be entitled to vote on any matter whatever, unless all calls due on the stock held by such shareholder shall have been paid up at least one week before the day appointed for such meeting.

Corporations,
how repre-
sented.

39. Any meeting of the directors of the said Company regularly summoned, at which at least three of the provisional directors or of those elected by the shareholders are present, shall be competent and entitled to exercise and use all and every of the powers hereby vested in the said directors.

Quorum of
directors.

40. Calls on the subscribed capital of the said Company may be made by the directors for the time being, as they shall see fit: provided that no calls shall be made at any one time of more than ten per centum of the amount subscribed by each subscriber, and at not less intervals than one month, and notice of each call shall be given as provided in section 11 of this Act.

Calls.

41. The said Company shall have power to make traffic and running arrangements, either or both, with the Wellington, Grey

Agreements
with other
companies.

Grey and Bruce Railway Company, the Grand Trunk Railway Company of Canada, the Georgian Bay and Lake Erie Railway Company, the Toronto, Grey and Bruce Railway Company, the Canadian Pacific Railway Company, and the Northern Railway Company of Canada, if lawfully empowered to enter into such arrangements, or for crossing, or connecting with the railways of the said Companies, or any of them, upon terms to be agreed upon.

Right to use
highways.

42. It shall and may be lawful for any municipality through which the said railway passes, and having jurisdiction in the premises, to pass a by-law or by-laws empowering the Company to make their road and lay their rails along any of the highways within such municipality, and whether or not the same be in the possession of or under the control of any joint stock company; and if such highway be either in the possession of or under the control of any joint stock company, then also with the assent of such company; and it shall and may be lawful for the Company to enter into and perform any such agreement as they may from time to time deem expedient, with any municipality, corporation or person, for the construction or for the maintenance and repair of gravel or other public roads leading to the said railway.

Power to
collect back-
charges on
goods.

43. The said Company shall have power to collect and receive all charges subject to which goods or commodities may come into their possession, and on payment of such back-charges, and without any formal transfer, shall have the same lien for the amount thereof upon such goods or commodities, as the persons to whom such charges were originally due, had upon such goods or commodities while in their possession, and shall be subrogated by such payment in all the rights and remedies of such persons for such charges.

Power to erect
snow-fences.

44. The Company shall have the right, on and after the 15th day of November in each year, to enter into and upon any lands of Her Majesty, or into or upon any lands of any corporation or person whatsoever, lying along the route or line of said railway, and to erect and maintain snow fences thereon, subject to the payment of such damages (if any) as may be hereafter established in the manner provided by law, in respect of such railway, to have been actually suffered: Provided always that any such snow fences so erected shall be removed on or before the 1st day of April following.

Proviso.

Power to
mortgage
bonds.

45. The Company hereby incorporated may, from time to time, for advances of money to be made thereon, mortgage or pledge any bonds or debentures which, under the powers of this Act can be issued for the construction of the railway or otherwise.

Payments in
bonds or stock
authorized in
certain cases.

46. The said provisional directors, or the elected directors, may pay or agree to pay, in paid up stock or in the bonds of the

the said Company, such sums as they may deem expedient, to engineers or contractors, or for right of way or material, plant or rolling stock, and also, when sanctioned by a vote of the majority of shareholders present at any general meeting, for the services of promoters or other persons who may be employed by the directors for the purpose of assisting the directors in the furtherance of the undertaking or purchase of right of way, material, plant or rolling stock, whether such promoters or other persons be provisional directors or not, and any such agreements so made shall be binding on the Company.

47. It shall and may be lawful for the Company at any point where the railway, or any branch thereof, approaches within two miles of any navigable waters, to purchase and hold as its own absolute property, and for the use of the Company, wharves, piers, docks, water lots, water frontages, and lands, and upon the said water lots, water frontages and lands, and in and over the waters adjoining the same, to build and erect elevators, storehouses, warehouses and engine houses, sheds, wharves, docks, piers and other erections for the use of the Company, and the steam and other vessels owned, worked or controlled by the Company, or any other steam or other vessels; and to collect wharfage, storage, and other charges for the use of the same; and also to erect, build, repair, and maintain all moles, piers, wharves and docks necessary and proper for the protection of such works, and for the accommodation and convenience of vessels entering, leaving, lying, loading and unloading within the same, and to dredge, deepen, and enlarge such works; and the said wharves, piers, and docks, water lots, water frontages, lands, elevators, storehouses, warehouses, engine houses, sheds and other erections, or any thereof, or any portions thereof, in its discretion to sell, lease, or convey.

Power to purchase, etc., wharves, etc.

48. It shall and may be lawful for the Company to purchase, build, complete, fit out and charter, sell and dispose of, work and control, and keep in repair, steam or other vessels, from time to time to ply on lakes, rivers and canals of this Province, in connection with the said railway; and also to make arrangements and agreements with steamboat and vessel proprietors, by chartering or otherwise, to ply on the said lakes, rivers and canals in connection with the said railway.

Power to purchase and work vessels in connection with the railway.

49. The said Company is hereby authorized and empowered to take and make the surveys and levels of the land through which the said railway is to pass, together with the map or plan thereof, and of its course and direction, and of the lands intended to be passed over and taken therefor, so far as then ascertained, and also the book of reference for the railway, and to deposit the same as required by the clauses of *The Railway Act of Ontario*, and amendments thereto, with respect to "plans and surveys," by sections or portions less than the length of the whole railway authorized, of such length as the said Company

Power to construct railway in sections.

pany may from time to time see fit, so that no one of such sections or portions shall be less than ten miles in length, and upon such deposit as aforesaid, of the map or plan and book of reference of any and each of such sections or portions of the said railway, all and every of the clauses of *The Railway Act of Ontario*, and the amendments thereof applied to, included in, or incorporated with this Act shall apply and extend to any and each of such sections or portions of the said railway as fully and effectually as if the surveys and levels had been taken and made of the lands through which the whole of the said railway is to pass, together with the map or plan of the whole thereof, and of its whole course and direction, and of the lands intended to be passed over and taken, and the book of reference for the whole of the said railway had been taken, made, examined, certified and deposited according to the said clauses of the said *Railway Act of Ontario*, and the amendments thereof, with respect to "plans and surveys."

Power to keep
duplicate seal.

50. It shall be lawful for the said Company to have and keep a duplicate seal for the transaction of such of their business in the United Kingdom of Great Britain and Ireland as the board of directors of the said Company may from time to time designate, and the said seal may be used and affixed in all such cases by such officer or officers, agent or agents, as the said directors may by by-law from time to time direct, and any instrument to which the said duplicate seal shall be so affixed, shall be valid and binding upon the said Company.

Power to purchase whole
lots.

51. Whenever it shall be necessary for the purpose of procuring sufficient land for stations or gravel pits, or for constructing, maintaining, and using the said railway, and in case by purchasing the whole of any parcel or lot of land over which the railway is to run, the company can obtain the same at a more reasonable price or to greater advantage than by purchasing the railway line only, the company may purchase, hold, use, or enjoy such lands, and also the right of way thereto if the same be separate from their railway, and may sell and convey the same or part thereof, from time to time, as they may deem expedient, but the compulsory clauses of *The Railway Act of Ontario* shall not apply to this section.

Acquiring
gravel etc.,
for construction and maintenance of
railway.

52. When stone, gravel, earth, or sand is or are required for the construction or maintenance of said railway, or any part thereof, the company may, in case they cannot agree with the owner of the lands on which the same is situated for the purchase thereof, cause a provincial surveyor to make a map and description of the property so required, and they shall serve a copy thereof with their notice of arbitration, as in the case of acquiring the roadway, and the notice of arbitration, the award and the tender of compensation shall have the same effect as in case of arbitration for the roadway; and all the provisions of *The Railway Act of Ontario* and of this Act, as to the service of

of the said notice, arbitration, compensation, deeds, payment of money into Court, the right to sell, the right to convey, and the parties from whom lands may be taken, or who may sell, shall apply to the subject-matter of this section as to the obtaining of materials as aforesaid, and such proceedings may be had by the said company either for the right to the fee simple in the land from which said material shall be taken, or for the right to take materials for any time they shall think necessary, the notice of arbitration, in case arbitration is resorted to, to state the interest required.

53—(1) When said gravel, sand, stone, or other material shall be taken under the preceding section of this Act at a distance from the line of the railway, the Company may lay down the necessary sidings and tracks over any land which may intervene between the railway and the lands on which said material shall be found, whatever the distance may be; and all the provisions of *The Railway Act of Ontario* and of this Act, except such as relate to filing plans and publication of notice, shall apply and may be used and exercised to obtain the right of way from the railway to the land on which such materials are situated; and such right may be so acquired for a term of years, or permanently as the Company may think proper, and the powers in this and the preceding section may at all times be exercised and used in all respects after the railway is constructed for the purpose of repairing and maintaining the said railway.

Sidings to
gravel pits.

(2) When estimating the damages for the taking of gravel, stone or sand, sub-section 8 of section 20 of *The Railway Act of Ontario*, shall not apply.

54. The construction of the said railway shall be commenced within two years, and the same shall be completed within four years, after the passing of this Act.

Commence-
ment and
completion of
railway.

SCHEDULE A.

(Section 6.)

Know all men by these presents that I (or we) (*insert the name of the vendors*), in consideration of dollars paid to me (or us) by The Georgian Bay and Lake Huron Railway Company, the receipt whereof is hereby acknowledged, do grant and convey unto the said Company, and I (or we) [*insert the name of any other party or parties*] in consideration of dollars paid to me (or us) by the said Company, the receipt whereof is hereby acknowledged, do grant or release all that certain parcel (or those certain parcels, as the case may be) of land (*describe the land*) the same having

having been selected and laid out by the said Company for the purposes of their railway, to hold with the appurtenances unto the said Georgian Bay and Lake Huron Railway Company, their successors and assigns (*here insert any other clauses covenants or conditions required*) and I (or we) the wife (or wives) of the said _____, do hereby bar my (or our) dower in the said lands.

As witness my (or our) hand and seal (or hands and seals) this _____ day of _____ A.D. 18

Signed, sealed and delivered }
in the presence of } [L. S.]

SCHEDULE B.

(Section 34).

CHIEF ENGINEER'S CERTIFICATE.

THE GEORGIAN BAY AND LAKE HURON
RAILWAY COMPANY'S OFFICE,

No. _____ Engineer's Department, A. D. 188 _____

Certificate to be attached to cheques drawn on "The Georgian Bay and Lake Huron Railway Company Municipal Trust Account," given under section _____, chapter _____, of the Acts of the Legislature of Ontario, passed in the _____ year of Her Majesty's reign.

I, A. B., Chief Engineer of the Georgian Bay and Lake Huron Railway Company, do hereby certify that the said Company has fulfilled the terms and conditions necessary to be fulfilled under the by-law No. _____ of the township of _____ (or under the agreement dated the _____ day of _____ between the corporation of _____ and the said Company) to entitle the said Company to receive from the said trust the sum of _____
(*here set out the terms and conditions, if any, which have been fulfilled.*)

CHAPTER 68.

An Act respecting the Hamilton and Dundas Street
Railway Company.

[Assented to 25th March, 1886.]

Preamble.

WHEREAS the Hamilton and Dundas Street Railway Company have petitioned for an Act to confirm a lease of their railway to one John Weatherstone, and to enable them to

to increase their issue of bonds, and for other changes in their corporate powers; and whereas it is expedient to grant the prayer of the said petition;

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. Section 4 of the Act of the Legislature of the Province of Ontario, entitled *An Act Respecting the Hamilton and Dundas Street Railway Company*, passed in the 47th year of Her Majesty's reign, and chaptered 68, is hereby amended by adding after the word "corporation" in the fifth line, the words "or to any person, partnership or firm."

47 V. c. 68,
s. 4, amended.

2. The lease and agreement made by and between the said Company and John Weatherstone, dated the 21st day of November, 1885, is hereby declared to be legal and binding, and within the powers of the said Company.

Lease to J.
Weatherstone
confirmed.

3. Section 5 of the said Act is hereby repealed.

Sect. 5
repealed.

4. The Company are hereby authorized to call in, cancel and revoke their present issue of bonds to the extent of \$50,000, authorized by section 3 of the Act passed in the 44th year of Her Majesty's reign, and chaptered 65, and the said Company are hereby authorized and empowered to make and issue perpetual debenture stock or new bonds for the sum of \$68,000, and bearing interest at the rate of six per centum per annum, which said debenture stock or bonds shall be taken and considered to be the first and preferential charge and claim upon the undertaking and real property of the said Company, including its rolling stock and equipments then existing, or at any time thereafter acquired, and its rents and income, subject always to the lien of any unpaid vendor in respect of any such property, and each holder of such debenture stock or bonds shall be deemed to be a mortgagee and incumbrancer *pro rata* with all the other holders thereof, upon the undertaking, property and income of the Company aforesaid: provided that the present bondholders of the said Company shall have given to or reserved for them as the consideration for the cancellation of their several holdings, an equivalent amount of the debenture stock or bonds by this Act authorized to be issued.

Power to
cancel old
bonds and
issue perpetual
debenture
stock or new
bonds.

Proviso.

5. If the Company elect to issue bonds under the last section, they may be made to run for any term of years which may be decided upon by the directors, and may be issued as of the 2nd day of January, 1886, and the issue may be secured by a mortgage, to three trustees, of the aforesaid property of the Company, containing such powers, provisos and conditions as may be approved of by the directors of the Company, and by the holders of a majority in value of the existing bonds

Bonds may be
secured by
mortgage.

and

Provision as
to leasing
railway.

and by a majority of the holders of the existing preference stock, but in any event the statutory lien provided by section 4. shall continue, and provided that the execution of such mortgage shall not interfere with the right of the Company from time to time to lease the said railway, but if at any time the clear yearly rent proposed to be reserved by any lease shall be less than the amount of dividends or coupons on the issue of debenture stock or bonds, then such lease shall require to be confirmed by the said holders of debenture stock, their assent being given by a vote of two-thirds in value of such holders, or by the said bondholders, their assent being given by a vote of two-thirds in value of such holders, or in case of a mortgage being executed to secure such bonds, then by a majority of the trustees of such mortgage, two of whom shall be named by or on behalf of the bondholders.

47 V. c. 68,
amended.

6. Wherever the words "debenture stock" occur in the said Act, passed in the 47th year of Her Majesty's reign, and chaptered 68, the said Act is hereby amended by adding after the said words the words "or bonds."

Section 8
amended.

7. Section 8 of the said Act, chapter 68, is hereby amended by striking out the words: "sixth section of this Act" where they occur in the seventh line of said section, and by inserting in lieu thereof the words: "by section 5 of this Act or by any amending Act."

CHAPTER 69.

An Act respecting the Irondale, Bancroft and Ottawa Railway Company.

[Assented to 25th March, 1886.]

Preamble

WHEREAS the Irondale, Bancroft and Ottawa Railway Company (formerly the Toronto and Nipissing Eastern Extension Railway Company) have petitioned for certain amendments to their Act of Incorporation passed in the 43rd year of Her Majesty's reign, chaptered 67, and it is expedient to grant the prayer of the said petition;

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

Time for com-
pletion ex-
tended.

1. The time for the building and completion of the said railway is hereby extended to the first of January, 1891.

Extension of
line author-
ized.

2. The said company shall have power to extend their line of railway to a point at or near the town of Orillia, in the County of Simcoe, and Province of Ontario, to join some one or more of the lines of railway passing that point. **3.**

3. The directors elected by the shareholders may pay, or agree to pay in paid up stock, or in the bonds of the said company, such sums as they may deem expedient to engineers or contractors, or for right of way, or material, plant, or rolling stock, and also, when sanctioned by a vote of the shareholders at any general meeting, for the services of the promoters, or other persons who may be employed by the directors for the purpose of assisting the directors in the furtherance of the undertaking, or purchase of right of way, material, plant, or rolling stock, whether such promoters or other persons be provisional directors or not, and any agreement so made shall be binding on the Company.

Directors may make certain payments in paid up stock or in bonds.

CHAPTER 70.

An Act to Incorporate the King Loop Line Railway Company.

[Assented to 25th March, 1886.]

WHEREAS the persons hereinafter named, and others, Preamble. have petitioned for incorporation as a company to construct and operate a railway from some point on the line of the Northern Railway of Canada, at or between the Newmarket and Richmond Hill Stations, in the County of York; thence to run in a north-westerly direction through the Township of King to the Village of Schomberg; thence still in a north-westerly direction, through the Townships of King and Tecumseth to a point on the line of the Hamilton and North-Western Railway at or near the Village of Beeton, in the County of Simcoe; and whereas it is expedient to grant the prayer of the said petition;

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. Garrett Brown, Levi Dennis, John Perry, Joseph Hollingshead, James W. Wood, James F. Gray, Henry Isaacs, Arthur Armstrong, Charles Irwin, together with such other persons and corporations as shall hereafter become shareholders in the said company, shall be and are hereby constituted a body corporate and politic under the name of "The King Loop Line Railway Company." Incorporation.

2. The said company hereby incorporated, and their agents or servants, shall have full power and authority under this Act to lay out and construct and finish a double or single iron or steel railway from some point on the line of the Northern Railway of Canada, at or between the Newmarket and Richmond Location of line.

mond Hill Stations, in the County of York; thence to run in a north-westerly direction through the Township of King to the Village of Schomberg; thence still in a north-westerly direction, through the Townships of King and Tecumseth to a point on the line of the Hamilton and North-Western Railway at or near the Village of Beeton, in the County of Simcoe.

Gauge.

3. The gauge of the said railway shall be four feet eight and one half inches.

Provisional
Directors.

4. The persons named in section 1 of this Act, with power to add to their number, shall be and are hereby constituted a board of provisional directors of the said company, of whom a majority shall be a quorum, and shall hold office as such until the first election of directors under this Act.

Powers of
Provisional
Directors.

5. The said board of provisional directors shall have full power forthwith to open stock books, and procure subscriptions of stock for the undertaking, and to allot the stock, and to receive payments on account of stock subscribed, and to make calls upon subscribers in respect to their stock, and to sue for and recover the same; and to cause plans and surveys to be made, and to receive for the company any grant, loan, bonus or gift made to it, or in aid of the undertaking, and to enter into any agreement respecting the conditions or disposition of any gift or bonus in aid of the railway, and with all such other powers as under *The Railway Act of Ontario*, are vested in ordinary directors; the said directors, or a majority of them, or the board of directors to be elected as hereinafter mentioned may, in their discretion, exclude any one from subscribing for stock who, in their judgment, would hinder, delay or prevent the company from proceeding with and completing their undertaking under the provisions of this Act; and if at any time a portion or more than the whole stock shall have been subscribed, the said provisional directors or board of directors, shall allocate and apportion it amongst the subscribers as they shall deem most advantageous and conducive to the furtherance of the undertaking; and in such allocation, the said directors may, in their discretion, exclude any one or more of the said subscribers, if, in their judgment, such exclusion will best secure the building of the said railway; and all meetings of the provisional board of directors shall be held at the Village of Schomberg, in the Township of King aforesaid, or at such other place as may best suit the interest of the said company.

Form of con-
veyances.

6. Conveyances of lands to the said company for the purposes of this Act, made in the form set forth in schedule A hereunder written, or to the like effect, shall be sufficient conveyance to the said company, their successors and assigns, of the estate or interest therein mentioned, and sufficient bar of dower, respectively, of all persons executing the same; and such

such conveyances shall be registered in such manner and upon such proof of execution as is required under the Registry Laws of Ontario; and no registrar shall be entitled to demand more than seventy-five cents for registering the same, including all entries and certificates thereof; and certificates endorsed on the duplicates thereof.

7. No subscription for stock in the capital of the company shall be binding on the said company unless it shall be approved by resolution of the directors, nor unless ten per centum of the amount subscribed has been actually paid thereon within one month after subscription.

Subscriptions for stock to be subject to approval of directors, etc.

8. The said company may receive, either from any Government, or from any persons or bodies corporate, municipal or politic, who may have power to make or grant the same, bonuses, loans or gifts of money or securities for money, in aid of the construction, equipment or maintenance of the said railway upon such terms and conditions as may be agreed upon.

Aid to company.

9. The capital of the company hereby incorporated shall be \$200,000 (with power to increase the same in the manner provided by *The Railway Act of Ontario*), to be divided into four thousand shares of \$50 each, and shall be raised by the persons and corporations who may become shareholders in such company; and the money so raised shall be applied, in the first place, to the payment of all fees, expenses, and disbursements of and incidental to the passing of this Act, and for making the surveys, plans and estimates connected with the works hereby authorized; and the remainder of said money shall be applied to the making, equipping, completing and maintaining of the said railway, and to the other purposes of this Act; and until such preliminary expenses shall be paid out of such capital stock, the municipal corporation of any municipality on or near the line of such works may, by resolution, of which seven days' previous notice shall have been given and passed by a majority of the said municipal corporation, authorize the treasurer of such municipality to pay out of the general funds of such municipality its fair proportion of such preliminary expenses which shall thereafter, if such municipality shall so require, be refunded to such municipality from the capital stock of the said company, or be allowed to it in payment of stock.

Capital stock.

10. When and as soon as shares to the amount of \$40,000 in the capital stock of the said company shall have been subscribed, and ten per centum paid thereon, into a chartered bank of the Dominion, having an office in the Province of Ontario, to the credit of the company, and which shall, on no account, be withdrawn therefrom unless for the services of the company, the provisional directors or a majority of them, present at a meeting

First election of directors.

meeting duly called for the purpose, shall call a general meeting of the shareholders, for the purpose of electing directors of the said company, giving at least four weeks' notice by advertisement in the *Ontario Gazette*, and in one or more newspapers published in the town of Newmarket in the said County of York, of the time, place and purpose of said meeting.

Number of directors.

11. At such general meeting the shareholders present who shall have paid up ten per centum on their shares with such proxies as may be present, shall elect not less than five, and not more than seven persons as hereinafter mentioned, to be directors of the said company (of whom a majority shall be a quorum), and may also pass such rules, regulations and by-laws as may be deemed expedient, provided they be not inconsistent with this Act and *The Railway Act of Ontario*.

Qualification of directors.

12. No person shall be qualified to be elected as such director by the shareholders unless he be a shareholder holding at least ten shares of stock in the said company, and unless he has paid up all calls thereon.

Calls.

13. The directors may, from time to time, make calls as they shall think fit, provided that no calls shall be made at any one time of more than ten per centum of the amount subscribed by each shareholder, and thirty days' notice shall be given of each call as provided in section 10 of this Act.

Certain payments may be made in stock or bonds.

14. The provisional directors or the elected directors may pay, or agree to pay in paid-up stock, or in the bonds of the said company, such sums as they may deem expedient, to engineers or contractors, or for right of way or material, plant, or rolling stock, and also when sanctioned by a vote of the shareholders at any general meeting, for the services of the promoters or other persons who may be employed by the directors in furthering the undertaking, or for the purchase of right of way, material, plant or rolling stock, whether such promoters or other persons be provisional or elected directors or not; and any agreement so made shall be binding on the company.

Annual meeting.

15. Thereafter the general annual meeting of the shareholders of the said company shall be held in such place in the said Village of Schomberg or in such other place and on such days and at such hours as may be directed by the by-laws of the company; and public notice thereof shall be given at least four weeks previously in the *Ontario Gazette* and once a week in one newspaper published in the said town of Newmarket during the four weeks preceding the week in which such meeting is to be held.

Special meetings.

16. Special general meetings of the shareholders of said company may be held at such place and at such times and in such

such manner and for such purposes as may be provided by the by-laws of said company, upon such notice as is provided in the last preceding section.

17. Any municipality, or any portion of a township municipality, which may be interested in securing the construction of the said railway, or through any part of which, or near which, the railway or works of the said company shall pass or be situate, may aid the said company, by giving money or debentures, by way of bonus, gift, or loan, or by the guarantee of the municipal corporation under and subject to the provisions hereinafter contained; provided always, that such aid shall not be given except after the passing of a by-law for the purpose, and the adoption of such by-law by the qualified ratepayers of the municipality or portion of municipality (as the case may be), in accordance with and as provided by law in respect to granting aid by way of bonuses to railways.

Aid from municipalities.

18. Such by-law shall be submitted by the municipal council to the vote of the rate-payers in manner following, namely:

Provisions as to bonus by-laws.

1. The proper petition shall first be presented to the council, expressing the desire to aid the railway, and stating in what way and for what amount, and the council shall, within six weeks after the receipt of such petition by the clerk of the municipality, introduce a by-law to the effect petitioned for, and submit the same for the approval of the qualified voters;

2. In the case of a county municipality, the petition shall be that of a majority of the reeves and deputy-reeves, or of fifty resident freeholders, in each of the minor municipalities of the county who are qualified voters under *The Consolidated Municipal Act, 1883*;

3. In the case of other municipalities, the petition shall be that of a majority of the council thereof, or of fifty resident freeholders, being duly qualified voters under *The Consolidated Municipal Act, 1883*, as aforesaid;

4. In the case of a section of a township municipality, the petition is to be presented to the council, defining the section by metes and bounds or lots and concessions, and shall be that of a majority of the council of such township municipality or of fifty resident freeholders in such section of the municipality, being duly qualified voters as aforesaid.

19. Such by-law shall in each instance provide: (1) For raising the amount petitioned for in the municipality or portion of the township municipality (as the case may be) mentioned in the petition, by the issue of debentures of the county or minor municipality respectively, and shall also provide for the delivery of the said debentures or the application of the amount to be raised thereby as may be expressed in the

By-law, what to contain.

said by-law; (2) For assessing and levying upon all ratable property lying within the municipality or portion of the township municipality defined in said by-law (as the case may be), an annual special rate sufficient to include a sinking fund for the repayment of the said debentures within twenty years, with interest thereon, payable yearly or half-yearly, which debentures the respective municipal councils, wardens, mayors, reeves, and other officers thereof are hereby authorized to execute and issue in such cases respectively.

Provisions as to referring to arbitration disputes as to bonus by-laws.

20. In case of aid from a county municipality, fifty resident freeholders of the county may petition the county council against submitting the said by-law upon the ground that certain minor municipalities or portions thereof comprised in the said by-law would be injuriously affected thereby, or upon any other ground ought not to be included therein, and upon deposit by the petitioners with the treasurer of the county of a sum sufficient to defray the expense of such reference, the said council shall forthwith refer the said petition to three arbitrators, one being the Judge of the County Court, one being the registrar of the county or of the riding in which the registry office is situate, and one being an engineer appointed by the Commissioner of Public Works for Ontario, who shall have power to confirm or amend the said by-law, by excluding any minor municipality or any section thereof therefrom, and the decision of any two of them shall be final, and the by-law so confirmed or amended shall thereupon, at the option of the railway company, be submitted by the council to the duly qualified voters, and in case the by-law is confirmed by the arbitrators the expense of the reference shall be borne by the petitioners against the same; but if amended, then by the railway company or the county as the arbitrators may order.

"Minor municipality," meaning of.

21. The term minor municipality shall be construed to mean any town not separated from the municipal county, township or incorporated village situate in the county municipality.

Deposit for expenses.

22. Before any such by-law is submitted, the railway company shall, if required, deposit with the treasurer of the municipality a sum sufficient to pay the expenses to be incurred in submitting said by-law.

If by-law carried council to pass the same;

23. In case the by-law submitted be approved of and carried in accordance with the provisions of the law in that behalf, then within four weeks after the date of such voting the municipal council which submitted the same shall read the said by-law a third time and pass the same.

And issue debentures.

24. Within one month after the passing of such by-law, the said council, and the mayor, warden, reeve, or other head, or other officers thereof, shall issue the debentures provided for by the by-law, and deliver the same duly executed

executed, to the trustees appointed or to be appointed under this Act.

25. In case any such loan, guarantee or bonus be so granted by a portion of a township municipality the rate to be levied for payment of the debentures issued therefor, and the interest thereon, shall be assessed and levied upon such portion only of such municipality. Rate to be levied on portion of municipality granting bonus.

26. The provisions of *The Consolidated Municipal Act, 1883*, and the amendments thereto, so far as the same are not inconsistent with this Act, shall apply to any by-law so passed by or for a portion of a township municipality, to the same extent as if the same had been passed by or for the whole municipality. Municipal Act to apply to any by-law passed by portion of a township municipality.

27. The councils for all corporations that may grant aid by way of bonus to the said company, may, by resolution or by-law, extend the time for the commencement of the work beyond that stipulated for in the by-law or by-laws granting such aid from time to time; provided that no such extension shall be for a longer period than one year. Extension of time for commencement.

28. The council of any municipality, that may grant aid by way of bonus to the said company, may by resolution or by-law, extend the time for the completion of the works (on the completion of which the said company would be entitled to such bonus), from time to time; provided that no such extension shall be for a longer period than one year at a time. Extension of time for completion.

29. Any municipality or portion of a township municipality interested in the construction of the road of the said company may grant aid by way of bonus to the said company toward the construction of such road, notwithstanding that such aid may increase the municipal taxation of such municipality or portion thereof beyond what is allowed by law; provided that such aid shall not require the levying of a greater aggregate annual rate for all purposes, exclusive of school rates, than three cents in the dollar upon the value of the ratable property therein. Rate not exceeding three cents in the dollar valid.

30. The corporation of any municipality through any part of which the railway of the said company passes, or in which it is situate, is empowered by by-law specially passed for that purpose, to exempt the said company and its property within such municipality, either in whole or in part from municipal assessment or taxation, or to agree to a certain sum per annum, or otherwise in gross, by way of commutation or composition for payment, or in lieu of all or any municipal rates or assessments to be imposed by such municipal corporation, and for such term of years as such municipal corporation may deem expedient, not exceeding twenty-one years, and no such by-law shall be repealed, unless in conformity with a condition contained therein. Exemption from municipal taxation.

Grants of
land.

31. Any municipality through which the said railway may pass or is situate, is empowered to grant by way of gift to the said company, any lands belonging to such municipality or over which it may have control, which may be required for right of way, station grounds or other purposes connected with the running or traffic of the said railway; and the said railway company shall have power to accept gifts of land from any Government, or any person or body politic or corporate, and shall have power to sell or otherwise dispose of the same for the benefit of the said company.

Acquiring
lands for
stations,
gravel pits,
etc.

32. Whenever it shall be necessary for the purpose of procuring sufficient land for stations or gravel pits, or for constructing, maintaining and using the said railway, and in case, by purchasing the whole of any lot or parcel of land over which the railway is to run, the company can obtain the same at a more reasonable price, or to greater advantage than by purchasing the railway line only, the company may purchase, hold, use and enjoy such lands, and also the right of way thereto, if the same be separated from their railway, and may sell and convey the same, or any part thereof, from time to time, as they may deem expedient; but the compulsory clauses of *The Railway Act of Ontario* shall not apply to this section.

Acquiring
gravel, etc.,
for construc-
tion and main-
tenance of
railway.

33. When stone, gravel, earth or sand is or are required for the construction or maintenance of said railway or any part thereof, the company may, in case they cannot agree with the owner of the lands on which the same are situate, for the purchase thereof, cause a provincial land surveyor to make a map and description of the property so required, and they shall serve a copy thereof with their notice of arbitration, as in case of acquiring the roadway, and the notice of arbitration, the award and the tender of the compensation, shall have the same effect as in case of arbitration for the roadway; and all the provisions of *The Railway Act of Ontario*, and of this Act, as to the service of the said notice, arbitration, compensation, deeds, payment of money into Court, the right to sell, the right to convey, and the parties from whom lands may be taken, or who may sell, shall apply to the subject matter of this section as to the obtaining materials as aforesaid; and such proceedings may be had by the said company, either for the right to the fee simple in the land from which said materials shall be taken, or for the right to take materials for any time they shall think necessary; the notice of arbitration, in case arbitration is resorted to, to state the interest required.

Sidings to
gravel pits.

34.—(1) When said gravel, stone, earth or sand shall be taken under the preceding section of this Act, at a distance from the line of the railway, the company may lay down the necessary sidings and tracks over any lands which may intervene between the railway and the lands on which said material shall be found, whatever the distance may be; and all the provisions

visions of *The Railway Act of Ontario* and of this Act, except such as relate to filing plans and publication of notice, shall apply and may be used and exercised to obtain the right of way from the railway to the land on which such materials are situated; and such right may be so acquired for a term of years, or permanently, as the company may think proper; and the powers in this and the preceding section may at all times be exercised and used in all respects after the railway is constructed for the purpose of repairing and maintaining the said railway.

(2) When estimating the damages for the taking of gravel, stone, earth or sand, sub-section 8 of section 20 of *The Railway Act of Ontario* shall not apply.

35. Whenever any municipality or portion of a township municipality shall grant aid by way of bonus or gift to the railway company, the debentures therefor shall within six months after the passing of the by-law authorizing the same, be delivered to three trustees to be named, one by the Lieutenant-Governor in Council, one by the said company, and one by the majority of the heads of the municipalities which have granted bonuses, all of the trustees to be residents of the Province of Ontario; provided that if the said heads of the municipalities shall refuse or neglect to name such trustee within one month after notice in writing of the appointment of the company's trustee, or if the Lieutenant-Governor in Council shall omit to name such trustee within one month after notice in writing to him of the appointment of the other trustees, then in either case, the company shall be at liberty to name such other trustee or other trustees; any of the said trustees may be removed and a new trustee appointed in his place at any time by the Lieutenant-Governor in Council; and in case any trustee dies or resigns his trust, or goes to live out of the Province of Ontario, or otherwise becomes incapable to act, his trusteeship shall become vacant and a new trustee may be appointed by the Lieutenant-Governor in Council.

Trustees of
debentures

Proviso.

36. The said trustees shall receive the said debentures or bonds in trust, firstly, under the directions of the company but subject to the conditions of the by-law in relation thereto as to time or manner, to convert the same into money or otherwise dispose of them; secondly, to deposit the debentures or amount realized from the sale in some chartered bank having an office in the Province of Ontario, in the name of "The King Loop Line Railway Municipal Trust Account," and to pay the same out to the said company from time to time as the said company becomes entitled thereto under the conditions of the by-law granting the said bonus, and on the certificate of the chief engineer of the said railway for the time being, in the form set out in Schedule B hereto, or to the like effect, which certificate shall set forth that the conditions of the by-law have been complied with, and is to be attached to the cheque

Trusts of
proceeds of
debentures.

cheque or order drawn by the said trustees for such payment or delivery of debentures, and such engineer shall not wrongfully grant any such certificate, under a penalty of \$500, recoverable in any Court of competent jurisdiction by any person who may sue therefor.

Fees to
trustees.

37. The trustees shall be entitled to their reasonable fees and charges from said trust fund, and the act of any two of such trustees shall be as valid and binding as if the three had agreed.

Issue of
bonds.

38. The directors of the said company, after the sanction of the shareholders shall have first been obtained at any special general meeting to be called from time to time for such purpose, shall have power to issue bonds, made and signed by the President of the said company, and countersigned by the Secretary, and under the seal of the said company, for the purpose of raising money for prosecuting the said undertaking; and such bonds shall, without registration or formal conveyance, be taken and considered to be the first and preferential claims and charges upon the undertaking and the real property of the company, including its rolling stock and equipments then existing, and at any time thereafter acquired; and each holder of the said bonds shall be deemed to be a mortgagee and incumbrancer, *pro rata*, with all the other holders thereof, upon the undertaking and property of the company as aforesaid; provided, however, that the whole amount of such issue of bonds shall not exceed in all the sum of \$10,000 per mile; and provided that in the event at any time of the interest upon the said bonds remaining unpaid and owing, then, at the next ensuing general annual meeting of the said company, all holders of bonds shall have and possess the same rights, privileges and qualifications for directors and for voting as are attached to shareholders; provided further, that the bonds and any transfers thereof shall have been first registered in the same manner as is provided for the registration of shares, and it shall be the duty of the Secretary of the company to register the same on being required to do so by any holder thereof.

Proviso.

Proviso.

Proviso.

Form of
bonds.

39. All such bonds, debentures and other securities and coupons and interest warrants thereon respectively may be made payable to bearer and transferable by delivery, and any holder of any such securities so made payable to bearer, may sue at law thereon in his own name.

Bills and
notes.

40. The said company shall have power and authority to become parties to promissory notes, and bills of exchange for sums of not less than \$100, and any such promissory note or bill of exchange made, accepted or endorsed by the President or Vice-President of the company and countersigned by the Secretary of the said company, and under the authority of a quorum of the directors, shall be binding on the said company,

pany, and every such promissory note or bill of exchange so made shall be presumed to have been made with proper authority until the contrary be shewn, and in no case shall it be necessary to have the seal of the said company affixed to such promissory note or bill of exchange, nor shall the President, Vice-President or the Secretary be individually responsible for the same unless the said promissory notes or bills of exchange have been issued without the sanction and authority of the directors as herein provided and enacted; provided, Proviso. however, that nothing in this section shall be construed to authorize the said company to issue any promissory note or bill of exchange payable to bearer or intended to be circulated as money or as the notes or bills of a bank.

41. The said company may from time to time, for advances of money to be made thereon, mortgage or pledge any bonds which they may be enabled, under the powers of this Act to issue for the construction of the said railway. Power to mortgage bonds.

42. It shall be lawful for the directors of the company to enter into agreement with any company or companies (if lawfully authorized to enter into such an agreement), person or persons, for the leasing, hiring or use of any locomotives, carriages, rolling stock and other movable property from such companies or persons, for such time or times, and on such terms as may be agreed on, and also to enter into agreement with any railway company or companies (if so lawfully authorized), for the use by one or more of such contracting companies of the locomotives, carriages, rolling stock and other movable property of the other or others of them, on such terms as to compensation and otherwise as may be agreed upon. Agreements for use of rolling stock, etc.

43. The company incorporated by this Act is authorized and empowered to make necessary arrangements to contract and agree with the Northern Railway Company of Canada and the Hamilton and North-Western Railway Company, if lawfully authorized to enter into such arrangements, for amalgamation with the said Northern Railway Company of Canada and the Hamilton and North-Western Railway Company or either of them, or for the leasing their said lines or any part or parts thereof to the said company, and may also make traffic or running arrangements with the said companies; provided, Arrangements with Northern and with Hamilton and North-Western Railway Companies, authorized. that the terms of such amalgamation or lease are approved of by two-thirds of the shareholders present in person, or represented by proxy at a special general meeting to be held for that purpose in accordance with this Act; but this section shall not be construed as purporting or intending to confer rights or powers upon any company which is not within the legislative authority of this Province. Proviso.

44. The said company may also construct a telephone line and an electric telegraph line in connection with their railway, Telephone and telegraph lines. and

and for the purpose of constructing, working and protecting the said telephone and telegraph lines, the powers conferred upon telegraph companies by *The Act respecting Electric Telegraph Companies* (chapter 151 of The Revised Statutes of Ontario), are hereby conferred upon the said company.

Rights of
aliens.

45. Aliens and companies incorporated abroad, as well as British subjects and corporations, may be shareholders in the said company, and all such shareholders, whether resident in this Province or elsewhere, shall be entitled to vote on their shares equally with British subjects, and shall also be eligible to office as directors in the said company.

Transfer of
shares.

46. Shares in the capital stock of the said company may be transferred by any form of instrument in writing, but no transfer shall become effectual unless the stock or scrip certificates issued in respect of shares intended to be transferred are surrendered to the company, or the surrender thereof dispensed with by the company.

Power to
erect ware-
houses.

47. The company shall have full power to purchase land for and erect warehouses, elevators, docks, stations, workshops and offices, and to sell and convey such land as may be found superfluous for any such purpose; and the company shall have power to hold as part of the property of the said company, as many steam or other vessels as the directors of the company may deem requisite from time to time, to facilitate the carriage of passengers, freight and other traffic in connection with the railway.

Collection of
back-charges.

48. The said company shall have power to collect and receive all charges subject to which goods or commodities may come into their possession, and on payment of such back-charges and without any formal transfer, shall have the same lien for the amount thereof upon such goods and commodities, as the person to whom such charges were originally due, and shall be subrogated by such payment in all the rights and remedies of such persons for such charges.

Commence-
ment and
completion of
railway.

49. The said railway shall be commenced within three years and completed within five years from the passing of this Act.

SCHEDULE A.

(Section 6.)

Know all men by these presents, that I (or we [*insert the name of the vendors*], in consideration of dollars paid to me (or us) by the King Loop Line Railway Company, the receipt whereof is hereby acknowledged, do grant and convey
unto

unto the said company, and I (or we) [*insert the name of any other party or parties*], in consideration of dollars paid to me (or us) by the said company, the receipt whereof is hereby acknowledged, do grant or release all that certain parcel (or those certain parcels, *as the case may be*) of land [*describe the land*], the same having been selected and laid out by the said company for the purposes of their railway, to hold with the appurtenances unto the said King Loop Line Railway Company, their successors and assigns [*here insert any other clauses, covenants or conditions required*], and I (or we), the wife (or wives) of the said , do hereby bar my (or our) dower in the said lands.

As witness, my (or our) hand and seal (or hands and seals),
this day of , A.D. 18 .

Signed, sealed and delivered }
in the presence of } [L.S.]
16

SCHEDULE B.

(Section 36.)

CHIEF ENGINEER'S CERTIFICATE.

THE KING LOOP LINE RAILWAY COMPANY'S OFFICE—
ENGINEER'S DEPARTMENT.

No. A.D. 18 .

Certificate to be attached to cheques drawn on the King Loop Line Railway Company Municipal Trust Account, given under section , chapter of the Acts of the Legislature of Ontario, passed in the 49th year of Her Majesty's reign.

I, A. B., Chief Engineer of the King Loop Line Railway Company, do hereby certify that the said company has fulfilled the terms and conditions necessary to be fulfilled under the by-law No. of the Township of (or under the agreement dated the day of , between the corporation of and the said company), to entitle the said company to receive from the said trust the sum of [*here set out the terms and conditions, if any, which have been fulfilled*].

CHAPTER 71.

An Act Respecting the Leamington and St. Clair Railway Company.

[Assented to 25th March, 1886.]

Preamble.

WHEREAS the Leamington and St. Clair Railway Company have petitioned that an Act may be passed to amend the Act for the incorporation of the said Company, passed in the 40th year of Her Majesty's reign, and chaptered 72, and the several Acts amending the same, so as to further extend the time for the completion of the Leamington and St. Clair railway, for a period of four years from the time already fixed for the completion thereof by the Act passed in the 45th year of Her Majesty's reign, chaptered 51; and whereas it is expedient to grant the prayer of the said petition;

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

Time for completion of railway extended.

1. The time for the completion of the said railway shall be and is hereby extended for the further period of four years from the time now limited for the completion thereof, by the Act passed in the 45th year of Her Majesty's reign, and chaptered 51

CHAPTER 72.

An Act to Incorporate the London and South-Eastern Railway Company.

[Assented to 25th March, 1886.]

Preamble.

WHEREAS it is of vital importance to the City of London that a railway should be constructed from some point in said city to Springfield or some point on the Canada Southern Railway east of St. Thomas, intersecting the Credit Valley Railway at or near Belmont, or from some point in the City of London to Kingsmill or some other point on the Canada Southern Railway east of St. Thomas, intersecting the Credit Valley Railway at or near Belmont, and thence to some point on the Grand Trunk Railway at or near Aylmer in the County of Elgin; and whereas Charles S. Hyman, John Labatt, John Campbell, T. McCormick, J. W. Little, Benjamin Cronyn, M. Masuret, W. J. Reid, Charles Murray, John Marshall, C. B. Hunt, J. D. Saunby, J. B. Laing, John Bland, and others, have petitioned

petitioned that an Act may be passed authorizing the construction of the said railway; and whereas it is expedient to grant the prayer of the said petition;

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. Charles S. Hyman, John Labatt, John Campbell, T. McCormick, J. W. Little, Benjamin Cronyn, M. Masuret, W. J. Reid, Charles Murray, John Marshall, C. B. Hunt, J. D. Saunby, J. B. Laing and John Bland, with such other persons and corporations as shall in pursuance of this Act become shareholders in the company hereby incorporated, shall be and are hereby constituted a body corporate and politic by and under the name of "The London and South-Eastern Railway Company." Incorporation.

2. The said company shall have full power and authority under this Act to construct a railway from some point in the City of London to Springfield, or some point on the Canada Southern Railway east of St. Thomas, intersecting the Credit Valley Railway at or near Belmont, or from some point in the City of London to Kingsmill, or some point on the Canada Southern Railway east of St. Thomas, intersecting the Credit Valley Railway at or near Belmont, and thence to some point on the Grand Trunk Railway at or near Aylmer in the County of Elgin. Location of line.

3. The gauge of the said railway shall be four feet eight and one-half inches. Gauge.

4. The persons named in section 1 of this Act, with power to add to their number, shall be and are hereby constituted a board of provisional directors of the said company, of whom a majority shall be a quorum, and shall hold office as such until the first election of directors under this Act. Provisional Directors. Quorum.

5. The said board of provisional directors shall have power forthwith to open stock-books, and procure subscriptions of stock for the undertaking, and to allot the stock, and to receive payments on account of stock subscribed, and to make calls upon subscribers in respect to their stock, and to sue for and recover the same; and to cause plans and surveys to be made, and to receive for the company any grant, loan, bonus or gift made to it, or in aid of the undertaking, and to enter into any agreement respecting the conditions or disposition of any gift or bonus in aid of the railway, and with all such other powers as, under *The Railway Act of Ontario*, are vested in ordinary directors; the said directors or a majority of them, or the board of directors to be elected as hereinafter mentioned may, in their discretion, exclude any one from subscribing for stock who, in their judgment, Powers of Provisional Directors.

ment, would hinder, delay or prevent the company from proceeding with and completing their undertaking under the provisions of this Act; and if at any time a portion or more than the whole stock shall have been subscribed, the said provisional directors, or board of directors, shall allocate and apportion it amongst the subscribers as they shall deem most advantageous and conducive to the furtherance of the undertaking; and in such allocation the said directors may, in their discretion, exclude any one or more of the said subscribers if, in their judgment, such exclusion will best secure the building of the said railway; and all meetings of the provisional board of directors shall be held at the City of London, or at such other place as may best suit the interest of the said company.

Meetings.

Form of conveyance.

6. Conveyances of lands to the said company for the purposes of and powers given by this Act, made in the form set forth in Schedule A hereunder written, or to the like effect, shall be sufficient conveyance to the said company, their successors and assigns, of the estate or interest therein mentioned, and sufficient bar of dower, respectively, of all persons executing the same; and such conveyances shall be registered in such manner and upon such proof of execution as is required under the Registry Laws of Ontario; and no registrar shall be entitled to demand more than seventy-five cents for registering the same, including all entries and certificates thereof, and certificates indorsed on the duplicates thereof.

When subscription for stock to bind company.

7. No subscription for stock in the capital of the company shall be binding on the said company unless it shall be approved by resolution of the directors, nor unless ten per centum of the amount subscribed has been actually paid thereon within one month after subscription.

Bonuses, etc., to company.

8. The said company may receive, either from any government, or from any persons or bodies corporate, municipal or politic, who may have power to make or grant the same, aid towards the construction, equipment and maintenance of the said railway by way of gift, bonus or loan of money, or debentures or other security for money, or by way of guarantee, upon such terms and conditions as may be agreed upon.

Capital stock.

9. The capital of the company hereby incorporated shall be \$300,000 (with power to increase the same in the manner provided by *The Railway Act of Ontario*), to be divided into three thousand shares of \$100 each, and shall be raised by the persons and corporations who may become shareholders in such company; and the money so raised shall be applied, in the first place, to the payment of all fees, expenses and disbursements of and incidental to the passing of this Act, and for making the surveys, plans and estimates connected with the works hereby authorized; and the remainder of said money shall be applied to the making, equipping, completing and maintaining

maintaining of the said railway, and to the other purposes of this Act; and until such preliminary expenses shall be paid out of such capital stock, the municipal council of any municipality on or near the line of such works may, by resolution, of which seven days' previous notice shall have been given and passed by a majority of the said municipal council, authorize the treasurer of such municipality to pay out of the general funds of such municipality its fair proportion of such preliminary expenses which shall thereafter, if such municipality shall so require, be refunded to such municipality from the capital stock of the said company, or be allowed to it in payment of stock.

Municipal aid
for preliminary
expenses.

10. When and as soon as shares to the amount of \$30,000 in the capital stock of the said company shall have been subscribed, and ten per centum paid thereon into some chartered bank of the Dominion having an office in the Province of Ontario, to the credit of the company, and which shall on no account be withdrawn therefrom, unless for the services of the company, the said provisional directors or a majority of them shall call a general meeting of the shareholders, for the purpose of electing directors of the said company, giving at least four weeks' notice by advertisement in the *Ontario Gazette*, and in one or more newspapers published in the City of London, in the said County of Middlesex, of the time, place and purpose of said meeting.

First meeting
for election of
directors.

11. At such general meeting the shareholders present, who shall have paid up ten per centum on their shares, with such proxies as may be present, shall elect not less than five, and not more than seven persons as hereinafter mentioned, to be directors of the said company (of whom a majority shall be a quorum), and may also pass such rules, regulations and by-laws as may be deemed expedient, provided they be not inconsistent with this Act and *The Railway Act of Ontario*.

Election of
directors.
Quorum.

12. No person shall be qualified to be elected as such director by the shareholders unless he is a shareholder holding at least ten shares of stock in the said company, and unless he has paid up all calls thereon.

Qualification
of directors.

13. The directors may from time to time make calls as they shall think fit, provided that no calls shall be made at any one time of more than ten per centum of the amount subscribed by each shareholder, and thirty days' notice shall be given of each call as provided in section 10 of this Act.

Calls on stock.

14. The provisional directors or the elected directors may pay, or agree to pay, in paid up stock, or in the bonds of the said company, such sums as they may deem expedient to engineers or contractors, or for right of way, or material, plant or rolling stock, and also, when sanctioned by a vote of the shareholders at any general meeting, for the services of the promoters

Payment of
certain ex-
penses autho-
rized.

promoters or other persons who may be employed by the directors in furthering the undertaking, or for the purchase of right of way, material, plant, or rolling stock, whether such promoters or other persons be provisional or elected directors or not; and any agreement so made shall be binding on the company.

Annual
meeting.

15. Thereafter the general annual meeting of the shareholders of the said company shall be held in such place in the City of London, or in such other place and on such days and at such hours as may be directed by the by-laws of the company; and public notice thereof shall be given at least four weeks previously in the *Ontario Gazette* and once a week in one newspaper published in the City of London during the four weeks preceding the week in which such meeting is to be held.

Special
meetings.

16. Special general meetings of the shareholders of said company may be held at such place and at such times and in such manner and for such purposes as may be provided by the by-laws of said company, upon such notice as is provided in the last preceding section.

Aid from mu-
nicipalities.

17. Any municipality, or any portion of a township municipality, which may be interested in securing the construction of the said railway, or through any part of which or near which the railway or works of the said company shall pass or be situate, may aid the said company, by giving money or debentures, by way of bonus, gift or loan, or by the guarantee of the municipal corporation, under and subject to the provisions hereinafter contained; Provided always, that such aid shall not be given except after the passing of a by-law for the purpose, and the adoption of such by-law by the qualified ratepayers of the municipality or portion of municipality (as the case may be), in accordance with and as provided by law in respect to granting aid by way of bonuses to railways.

Proviso.

Provisions
as to bonus
by-laws.

18. Such by-law shall be submitted by the municipal council to the vote of the ratepayers in manner following, namely:

1. The proper petition shall first be presented to the council expressing the desire to aid the railway and stating in what way and for what amount, and the council shall, within six weeks after the receipt of such petition by the clerk of the municipality, introduce a by-law to the effect petitioned for, and submit the same for the approval of the qualified voters;

2. In the case of a county municipality, the petition shall be that of a majority of the reeves and deputy-reeves, or of fifty resident freeholders, in each of the minor municipalities of the county who are qualified voters under *The Consolidated Municipal Act, 1883*;

3. In the case of other municipalities the petition shall be that of a majority of the council thereof, or of fifty resident freeholders, being duly qualified voters under *The Consolidated Municipal Act, 1883*, as aforesaid;

4. In the case of a section of a township municipality, the petition is to be presented to the council, defining the section by metes and bounds, or lots and concessions, and shall be that of a majority of the council of such township municipality or of fifty resident freeholders in such section of the municipality, being duly qualified voters as aforesaid.

19. Such by-law shall in each instance provide: (1) For raising the amount petitioned for in the municipality or portion of the township municipality (as the case may be) mentioned in the petition, by the issue of debentures of the county or minor municipality respectively, and shall also provide for the delivery of the said debentures, or the application of the amount to be raised thereby as may be expressed in the said by-law; (2) For assessing and levying upon all ratable property lying within the municipality or portion of the township municipality defined in said by-law (as the case may be) an annual special rate sufficient to include a sinking fund for the repayment of the said debentures within twenty years, with interest thereon, payable yearly or half yearly, which debentures the respective municipal councils, wardens, mayors, reeves and other officers thereof, are hereby authorized to execute and issue in such cases respectively.

By-law, what to contain.

20. In case of aid from a county municipality, fifty resident freeholders of the county may petition the county council against submitting the said by-law upon the ground that certain minor municipalities or portions thereof comprised in the said by-law would be injuriously affected thereby, or upon any other ground ought not to be included therein, and upon deposit by the petitioners with the treasurer of the county of a sum sufficient to defray the expense of such reference, the said council shall forthwith refer the said petition to three arbitrators, one being the judge of the county court, one being the registrar of the county or of the riding in which the county town is situate, and one being an engineer appointed by the Commissioner of Public Works for Ontario, who shall have power to confirm or amend the said by-law by excluding any minor municipality or any section thereof therefrom, and the decision of any two of them shall be final, and the by-law so confirmed or amended shall thereupon, at the option of the railway company, be submitted by the council to the duly qualified voters, and in case the by-law is confirmed by the arbitrators the expense of the reference shall be borne by the petitioners against the same; but if amended, then by the railway company, or the county as the arbitrators may order.

Provisions for referring to arbitration disputes as to bonus by-laws.

"Minor municipality," meaning of.

21. The term "minor municipality" shall be construed to mean any town not separated from the municipal county, township or incorporated village situate in the county municipality.

Deposit for expenses.

22. Before any such by-law is submitted the railway company shall, if required, deposit with the treasurer of the municipality a sum sufficient to pay the expenses to be incurred in submitting said by-law.

If by-law carried, council to pass same :

23. In case the by-law submitted be approved of and carried, in accordance with the provisions of the law in that behalf, then within four weeks after the date of such voting the municipal council which submitted the same shall read the said by-law a third time and pass the same.

And issue debentures.

24. Within one month after the passing of such by-law, the said council and the mayor, warden, reeve, or other head, or other officers thereof, shall issue the debentures provided for by the by-law, and deliver the same duly executed to the trustees appointed, or to be appointed, under this Act.

Levying rate on portions of municipality.

25. In case any such loan, guarantee or bonus be so granted by a portion of a township municipality the rate to be levied for payment of the debentures issued therefor, and the interest thereon, shall be assessed and levied upon such portion only of such municipality.

Application of Municipal Act as to by-laws.

26. The provisions of *The Consolidated Municipal Act 1883*, and the amendments thereto so far as the same are not inconsistent with this Act, shall apply to any by-law so passed by or for a portion of a township municipality, to the same extent as if the same had been passed by or for the whole municipality.

Extension of time for commencement.

27. The councils for all corporations that may grant aid by way of bonus to the said company may, by resolution or by-law, extend the time for the commencement of the work beyond that stipulated for in the by-law or by-laws granting such aid from time to time; provided that no such extension shall be for a longer period than one year.

Extension of time for completion.

28. It shall and may be lawful for the council of any municipality that may grant aid by way of bonus to the said company, by resolution or by-law, to extend the time for the completion of the works (on the completion of which the said company would be entitled to such bonus) from time to time; provided that no such extension shall be for a longer period than one year at a time.

29. Any municipality or portion of a township municipality interested in the construction of the road of the said company may grant aid by way of bonus to the said company toward the construction of such road, notwithstanding that such aid may increase the municipal taxation of such municipality or portion thereof beyond what is allowed by law; provided that such aid shall not require the levying of a greater aggregate annual rate for all purposes, exclusive of school rates, than three cents in the dollar, upon the value of the ratable property therein.

Rate not exceeding three cents in the dollar valid.

Proviso.

30. Any municipality through which the said railway may pass, is empowered to grant by way of gift to the said company, any lands belonging to such municipality or over which it may have control, which may be required for right of way, station grounds or other purposes connected with the running or traffic of the said railway; and the said railway company shall have power to accept gifts of land from any government, or any person or body politic or corporate, and shall have power to sell or otherwise dispose of the same for the benefit of the said company.

Grants of lands.

31. Whenever it shall be necessary for the purpose of procuring sufficient land for stations, or gravel pits, or for constructing, maintaining and using the said railway, and in case, by purchasing the whole of any lot or parcel of land over which the railway is to run, the company can obtain the same at a more reasonable price, or to greater advantage than by purchasing the railway line only, the company may purchase, hold, use and enjoy such lands, and also the right of way there-to, if the same be separated from their railway, and may sell and convey the same or any part thereof from time to time as they may deem expedient; but the compulsory clauses of *The Railway Act of Ontario* shall not apply to this section.

Acquiring lands for stations, gravel pits, etc.

32. When stone, gravel, earth or sand is or are required for the construction or maintenance of said railway or any part thereof, the company may, in case they cannot agree with the owner of the lands on which the same are situate for the purchase thereof, cause a provincial land surveyor to make a map and description of the property so required, and they shall serve a copy thereof, with their notice of arbitration, as in case of acquiring the roadway; and the notice of arbitration, the award and the tender of the compensation, shall have the same effect as in case of arbitration for the roadway; and all the provisions of *The Railway Act of Ontario*, and of this Act, as to the service of the said notice, arbitration, compensation, deeds, payment of money into court, the right to sell, the right to convey, and the parties from whom lands may be taken, or who may sell, shall apply to the subject matter of this section as to the obtaining materials as aforesaid; and such proceedings may be had by the said company either for the right to the fee simple in the land from which said materials

Acquiring gravel, etc., for construction and maintenance of railway.

shall be taken, or for the right to take materials for any time they shall think necessary; the notice of arbitration, in case arbitration is resorted to, to state the interest required.

Sidings to
gravel pits,
etc.

33.—(1) When said gravel, stone, earth or sand shall be taken under the preceding section of this Act, at a distance from the line of the railway, the company may lay down the necessary sidings and tracks over any lands which may intervene between the railway and the lands on which said material shall be found, whatever the distance may be; and all the provisions of *The Railway Act of Ontario* and of this Act, except such as relate to filing plans and publication of notice, shall apply and may be used and exercised to obtain the right of way from the railway to the land on which such materials are situated; and such right may be so acquired for a term of years, or permanently, as the company may think proper; and the powers in this and the preceding section may at all times be exercised and used in all respects after the railway is constructed for the purpose of repairing and maintaining the said railway.

(2) When estimating the damages for the taking of gravel, stone, earth or sand, sub-section 8 of section 20 of *The Railway Act of Ontario* shall not apply.

Trustees of
debentures.

34. Whenever any municipality or portion of a township municipality shall grant aid by way of bonus or gift to the railway company, the debentures therefor shall, within six months after the passing of the by-law authorizing the same be delivered to three trustees to be named, one by the Lieutenant-Governor in Council, one by the said company, and one by the majority of the heads of the municipalities which have granted bonuses, all of the trustees to be residents of the Province of Ontario; provided that if the said heads of the municipalities shall refuse or neglect to name such trustee within one month after notice in writing of the appointment of the company's trustee, or if the Lieutenant-Governor in Council shall omit to name such trustee within one month after notice in writing to him of the appointment of the other trustees, then in either case the company shall be at liberty to name such other trustee or other trustees. Any of the said trustees may be removed and a new trustee appointed in his place at any time by the Lieutenant-Governor in Council, and in case any trustee dies or resigns his trust, or goes to live out of the Province of Ontario, or otherwise becomes incapable to act, his trusteeship shall become vacant and a new trustee may be appointed by the Lieutenant-Governor in Council.

Trusts of
proceeds of
debentures.

35. The said trustees shall receive the said debentures or bonds in trust, firstly, under the directions of the company but subject to the conditions of the by-law in relation thereto as to time or manner, to convert the same into money or otherwise dispose

dispose of them; secondly, to deposit the debentures or amount realized from the sale in some chartered bank having an office in the Province of Ontario, in the name of "The London and South-Eastern Railway Municipal Trust Account," and to pay the same out to the said company from time to time as the said company becomes entitled thereto under the conditions of the by-law granting the said bonus, and on the certificate of the chief engineer of the said railway for the time being, in the form set out in Schedule B, hereto, or to the like effect, which certificate shall set forth that the conditions of the by-law have been complied with, and is to be attached to the cheque or order drawn by the said trustees for such payment or delivery of debentures, and such engineer shall not wrongfully grant any such certificate under a penalty of \$500 recoverable in any court of competent jurisdiction by any person who may sue therefor.

36. The trustees shall be entitled to their reasonable fees Fees to and charges from said trust fund, and the act of any two of trustees. such trustees shall be as valid and binding as if the three had agreed.

37. The directors of the said company, after the sanction of Bonds. the shareholders shall have first been obtained at any special general meeting to be called from time to time for such purpose, shall have power to issue bonds, made and signed by the president of the said company and countersigned by the secretary, and under the seal of the said company, for the purpose of raising money for prosecuting the said undertaking; and such bonds shall, without registration or formal conveyance, be taken and considered to be the first and preferential claims and charges upon the undertaking and the real property of the company, including its rolling stock and equipments then existing, and at any time thereafter acquired; and each holder of the said bonds shall be deemed to be a mortgagee and incumbrancer, *pro rata*, with all the other holders thereof, upon the undertaking and property of the company as aforesaid: provided, Proviso. however, that the whole amount of such issue of bonds shall not exceed in all the sum of \$10,000 per mile; and provided that Proviso.. in the event at any time of the interest upon the said bonds remaining unpaid and owing, then, at the next ensuing general annual meeting of the said company, all holders of bonds shall have and possess the same rights, privileges and qualifications for directors and for voting as are attached to shareholders, provided further, that the bonds and any transfers thereof shall Proviso. have been first registered in the same manner as is provided for the registration of shares, and it shall be the duty of the secretary of the company to register the same on being required to do so by any holder thereof.

38. All such bonds, debentures, and other securities and Form of coupons and interest warrants thereon respectively may be bonds. made

made payable to bearer and transferable by delivery, and any holder of any such securities so made payable to bearer may sue at law thereon in his own name.

Bills and
notes.

39. The said company shall have power and authority to become parties to promissory notes, and bills of exchange for sums of not less than \$100, and any such promissory note or bill made, accepted, or indorsed by the president or vice-president of the company and countersigned by the secretary of the said company and under the authority of a quorum of the directors, shall be binding on the said company, and every such promissory note or bill of exchange so made shall be presumed to have been made with proper authority until the contrary be shewn, and in no case shall it be necessary to have the seal of the said company affixed to such promissory note or bill of exchange, nor shall the president, vice-president or the secretary be individually responsible for the same unless the said promissory notes or bills of exchange have been issued without the sanction and authority of the directors as herein provided and enacted; provided, however, that nothing in this section shall be construed to authorize the said company to issue any promissory note or bill of exchange payable to bearer, or intended to be circulated as money, or as the notes or bills of a bank.

Proviso.

Mortgaging
bonds for
advances.

40. The said company may from time to time, for advances of money to be made thereon, mortgage or pledge any bonds which they may be enabled, under the powers of this Act, to issue for the construction of the said railway.

Agreements
for use of roll-
ing stock, etc.

41. It shall be lawful for the directors of the company to enter into agreement with any company or companies, if lawfully authorized to enter into such an agreement, person or persons, for the leasing, hiring, or use of any locomotives, carriages, rolling stock and other movable property from such companies or persons, for such time or times, and on such terms as may be agreed on, and also to enter into agreement with any railway company or companies, if so lawfully authorized, for the use by one or more of such contracting companies of the locomotives, carriages, rolling stock and other movable property of the other or others of them, on such terms as to compensation and otherwise as may be agreed upon.

Agreements
with other
companies.

42. It shall be lawful for the company to enter into any agreement with the West Ontario Pacific Railway Company, the Credit Valley Railway Company, the Canadian Pacific Railway Company, the Canada Southern Railway Company, or the London and Port Stanley Railway Company, if lawfully empowered to enter into such agreement, for the construction, leasing, or working of the said railway, or any part thereof, or for running powers over the same, on such terms and conditions as the directors of the several contracting companies

panies may agree on, or for leasing and hiring from such other contracting company any portion of their railway, or the use thereof, and generally to make any agreement or agreements with either of the said companies if so lawfully authorized, touching the use by one or the other, or by both companies, of the railway or the rolling stock of either or both, or any part thereof, or touching any service to be rendered by the one company to the other, and the compensation therefor, and any such agreement shall be valid and binding according to the terms and tenor thereof, and the company leasing or entering into such agreement for using the said line may and is hereby authorized to work the said railway, in the same manner and in all respects as if incorporated with its own line, and to exercise, so far as the same are applicable, all the rights, powers, and privileges by this Act conferred: provided that every such lease or agreement shall be first sanctioned at a special general meeting called for the purpose of considering the same, according to the by-laws of the company and the provisions of this Act, by the vote of two-thirds in value of the shareholders present in person or by proxy at such meeting, but this section shall not be construed as purporting or intending to confer rights or powers upon any company which is not within the legislative authority of this Province.

Proviso.

43. The said company may also construct an electric telegraph line in connection with their railway, and for the purpose of constructing, working and protecting, the said telegraph line the powers conferred upon telegraph companies by *The Act respecting Electric Telegraph Companies* (being chapter 151 of the Revised Statutes of Ontario) are hereby conferred upon the said company.

Telegraph lines.

44. Aliens and companies incorporated abroad, as well as British subjects and corporations, may be shareholders in the said company, and all such shareholders, whether resident in this Province or elsewhere, shall be entitled to vote on their shares equally with British subjects, and shall also be eligible to office as directors in the said company.

Aliens may be shareholders and directors.

45. Shares in the capital stock of the said company may be transferred by any form of instrument in writing, but no transfer shall become effectual unless the stock or scrip certificates issued in respect of shares intended to be transferred are surrendered to the company, or the surrender thereof dispensed with by the company.

Transfer of shares.

46. The company shall have full power to purchase land for and erect warehouses, elevators, stations, workshops and offices, and to sell and convey such land as may be found superfluous for any such purpose.

Power to erect warehouses.

47. The said company shall have power to collect and receive back charges.

Collection of back charges.

receive all charges subject to which goods or commodities may come into their possession, and on payment of such back charges, and without any formal transfer, shall have the same lien for the amount thereof upon such goods and commodities as the person to whom such charges were originally due, and shall be subrogated by such payment in all the rights and remedies of such persons for such charges.

Corporation of the City of London authorized to borrow \$75,000, notwithstanding 35 Vic. cap. 75, s. 7.

48. Notwithstanding the provisions of section 7 of the Act passed in the 35th year of Her Majesty's reign, chaptered 75, and intituled *An Act respecting the Debt of the City of London*, or of any other Act, it shall be lawful for the municipal council of the corporation of the City of London to pass a by-law for borrowing upon the credit of the said corporation a sum not exceeding \$75,000, and granting the said sum as a bonus or loan, or part bonus and part loan, to said railway company.

Power to said corporation to issue debentures to an amount not exceeding \$75,000.

49. The said corporation may issue debentures under the corporation seal, signed by the mayor and countersigned by the treasurer of the said city for the time being, for such sums as shall be authorized by any by-law or by-laws passed under the authority of this Act as hereinbefore mentioned, and not exceeding in the whole the said sum of \$75,000, and the principal sum secured by such debentures and the interest accruing thereon may be made payable in sterling money of Great Britain or in such other currency as may seem best, and in this Province or in Great Britain or elsewhere as to the said council may seem expedient.

Time debentures to be payable and rate of interest.

50. The debentures to be issued as aforesaid shall be made payable not less than twenty nor more than thirty years from the date thereof as the said council may direct, and the interest thereon at a rate not exceeding six per cent. per annum may be made payable yearly or half-yearly, and coupons for the payment thereof may be attached to the said debentures.

Irregularities not to invalidate debentures.

51. No irregularity in the form of the said debentures or of the by-law or by-laws authorizing the issue thereof shall render the same invalid or be allowed as a defence to any action brought against the said corporation for the recovery of the amount of the said debentures and interest, or any or either of them or any part thereof.

Assent of electors not required.

52. The by-law provided for by this Act shall not require to be submitted to or to receive the assent of the electors of the said city before the final passing thereof, but the other provisions of *The Consolidated Municipal Act, 1883*, shall apply thereto.

Corporation may take security from company.

53. If the Corporation of the City of London shall, under the powers conferred by this Act, lend to the said company the said sum of \$75,000, or any part thereof, it may take security therefor

therefor upon the undertaking and the real and personal property of the company, or such part thereof as may be agreed on; and such security shall have priority over the bonds of the company hereby authorized to be issued.

54. All property owned, used or occupied by the Grand Trunk Railway Company of Canada for the purposes of their railway, shall not, nor shall any part thereof be assessed or charged for, or in respect of any bonus, loan or aid, granted to the company hereby incorporated under the authority of this Act; and all such property so owned, used or occupied by the said, the Grand Trunk Railway Company of Canada, shall be exempt from taxation for, or on account of any bonus, loan or aid so granted.

Exemption of property of G. T. R. from assessment for bonus.

55. In case the aid be given by making a loan under the authority of this Act, and any interest, income or other revenue shall be received by the municipality granting such aid, in respect or by reason of such loan, such interest, income or other revenue shall in each year during the currency of the debentures issued by such municipality under the authority of this Act, be applied in reduction of the annual sums required to be raised in such year, to pay the interest of and provide a sinking fund to meet such debentures, and the exemption provided for by the next preceding section shall extend to so much of the said annual sums as shall not be satisfied by the application of such interest, income or other revenue.

Application of revenue derived from loan.

56. If at any time within three months after the passing of this Act an agreement shall be come to between the Canada Southern Railway Company, the London and Port Stanley Railway Company, and the Grand Trunk Railway Company of Canada, with the approval of the Municipal Council of the Corporation of the City of London, respecting the use and working of the London and Port Stanley Railway, or that part of it lying north of the City of St. Thomas, and a certificate that such agreement has been made, signed by the mayor of the said City of London, and under its corporate seal, shall, within the said period, be filed in the office of the Secretary of this Province, then and in that case this Act shall be null and void; and not to be acted on as to the whole of the railway hereby authorized to be constructed, except so much thereof as lies between some point in the said City of London at or near the line of the London and Port Stanley Railway, and such other point or points in the said City of London as the said company may select as the *termini* of its line.

Act to be void in certain events.

57. The said railway shall be commenced within three years and completed within seven years from the passing of this Act.

Commencement and completion of railway.

SCHEDULE

SCHEDULE A.

(Section 6.)

Know all men by these presents, that I (or we) [*insert the name of the vendors*] in consideration of dollars paid to me (or us) by the London and South-Eastern Railway Company, the receipt whereof is hereby acknowledged, do grant and convey unto the said company and I (or we) [*insert the name of any other party or parties*] in consideration of dollars, paid to me (or us) by the said company, the receipt whereof is hereby acknowledged, do grant and release all that certain parcel (or those certain parcels, *as the case may be*) of land [*describe the land*], the same having been selected and laid out by the said company for the purposes of their railway, to hold with the appurtenances unto the said London and South-Eastern Railway Company, their successors and assigns [*here insert any other clauses, covenants or conditions required*], and I (or we) the wife (or wives) of the said

do hereby bar my (or our) dower in the said lands.

As witness my (or our) hand and seal (or hands and seals) this day of , A. D. 188 .
 Signed, sealed and delivered }
 in the presence of } [L.S.]

SCHEDULE B.

(Section 35.)

Chief Engineer's Certificate.

THE LONDON AND SOUTH-EASTERN RAILWAY COMPANY'S
OFFICE.

No. *Engineer's Department.* A.D. 188

Certificate to be attached to cheques drawn on the London and South-Eastern Railway Company Municipal Trust Account, given under section chapter of the Acts of the Legislature of Ontario, passed in the 49th year of Her Majesty's reign.

I, A.B., Chief Engineer of the London and South-Eastern Railway Company, do hereby certify that the said company has fulfilled the terms and conditions necessary to be fulfilled under the by-law No. of the Township of (or under the agreement dated the day of between the corporation of and the said company) to entitle the said company to receive from the said trust the sum of
 [*here set out the terms and conditions, if any, which have been fulfilled*].
 CHAPTER

CHAPTER 73.

An Act respecting the Midland Junction Railway Company.

[Assented to 25th March, 1886.]

WHEREAS the Midland Junction Railway Company have petitioned that an Act may be passed to amend the Act for the incorporation of the said company, passed in the 47th year of Her Majesty's reign, and chaptered 70, so as to further extend the time for the commencement and for the completion of the line of the said company; and whereas it is expedient to grant the prayer of the said petition; Preamble.

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. The time for the commencement of the said railway is hereby extended for the period of two years from the passing of this Act, and the time for the completion thereof is hereby extended for four years after the passing of this Act. Time for commencement and completion extended.

CHAPTER 74.

An Act to Incorporate The Nosbonsing and Nipissing Railway Company.

[Assented to 25th March, 1886.]

WHEREAS John Rudolphus Booth has constructed and operated a line of railway from a point at South-East Bay on Lake Nipissing, in the township of Himsworth, to a point on Lake Nosbonsing, in the township of Ferris; and whereas the persons hereinafter named have, by their petition, prayed to be incorporated as a company for constructing, equipping and operating a railway from the above points, or for the purpose of acquiring from the said John Rudolphus Booth, the said line of railway already constructed, and for equipping and operating the same; and whereas it is expedient to grant the prayer of the said petition; Preamble.

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. Charles Jackson Booth, John Frederick Booth, Andrew Walker Fleck, James Arthur Seybold, William Anderson, Incorporation.
together

together with such other persons and corporations as shall, in pursuance of this Act, become shareholders in the company hereby incorporated, shall be and are hereby constituted a body corporate and politic by and under the name of "The Nosbonsing and Nipissing Railway Company."

Location of line.

2. The said company hereby incorporated and their agents or servants, shall have full power and authority under this Act to lay out, construct, finish, equip and operate a double or single iron or steel railway from some point at South-East Bay on Lake Nipissing, in the township of Himsworth, to a point on Lake Nosbonsing in the township of Ferris.

Gauge.

3. The gauge of the said railway shall be four feet eight and one-half inches.

Provisional directors.

4. The persons named in section 1 of this Act shall be and are hereby constituted a Board of Provisional Directors of the said company, of whom a majority shall form a quorum, with power to fill vacancies occurring thereon, and to associate with themselves thereon not more than three others who, upon being so named, shall also become and be Provisional Directors equally with themselves, and shall hold office as such until the first election of directors under this Act.

Powers of provisional directors.

5. The said Board of Provisional Directors shall have power and authority, after the passing of this Act, to open stock books and to receive subscriptions of stock for the undertaking, and in so doing may exclude any person or persons from subscribing, who, in their opinion, would hinder or delay the Company from proceeding with and completing their undertaking under the provisions of this Act, and if at any time a portion or more than the whole of the stock shall have been subscribed, the said Provisional Directors or Board of Directors shall allocate and apportion it amongst the subscribers as they shall deem most advantageous, and in such allocation the said directors may, in their discretion, exclude any one or more of the said subscribers if in their judgment such exclusion will best secure the building of the said railway.

Form of conveyances.

6. Conveyances of lands to the said company for the purposes of and under the powers given by this Act, made in the form set forth in Schedule A hereunder written or to the like effect, shall be sufficient conveyance to the said company, their successors and assigns, of the estate or interest therein mentioned, and sufficient bar of dower respectively, of all persons executing the same; and such conveyances shall be registered in such manner and upon such proof of execution as is required under the registry laws of Ontario; and no Registrar shall be entitled to demand more than seventy-five cents for registering the same, including all entries and certificates thereof, and certificates indorsed on the duplicates thereof.

7. No subscription for stock in the company shall be binding on the said company unless it shall be approved by resolution of the directors, nor unless ten per centum of the amount subscribed has been actually paid thereon within one month after subscription.

When only subscriptions for stock to bind company.

8. The said company may receive, either from any Government, or from any persons or bodies corporate, municipal or politic, who may have power to make or grant the same, bonuses, loans or gifts of money or securities for money, in aid of the construction, equipment or maintenance of the said railway.

Aid to company.

9. The capital of the company hereby incorporated shall be \$250,000, with power to increase the same in the manner provided by *The Railway Act of Ontario*, to be divided into twenty-five hundred shares of \$100 each, and the money so raised shall be applied in the first place to the payment of all fees, expenses and disbursements of and incidental to the passing of this Act, and after that for the purposes of the company.

Capital stock.

10. When and as soon as shares to the amount of \$50,000 in the capital stock of the said company shall have been subscribed and ten per centum paid thereon, the said Provisional Directors, or a majority of them, shall have power in the name and on behalf of the company hereby incorporated, to purchase and acquire from John Rudolphus Booth all that line of railway constructed by him from a point on lot number six in the twenty-fourth concession at East Bay on Lake Nipissing, in the township of Himsworth, to a point on lot number nineteen in the third concession, on Lake Nosbonsing in the township of Ferris, together with the right of way ninety-nine feet wide crossing lots now occupied by the line of railway, also the road-bed and rails, and all the buildings, saw mills, tramways, machinery, engines, locomotives, cars and every material and description of property acquired, used and enjoyed by the said John Rudolphus Booth, in and about the construction, equipment and working of his said line of railway, and the said Provisional Directors or other directors shall have the power and authority to allot to the said John Rudolphus Booth, upon his acceptance thereof, shares in the company incorporated hereby, in payment for the said line of railway and other property acquired by the said company from the said John Rudolphus Booth, which said shares in the hands of the said John Rudolphus Booth and his respective assigns thereof, shall be deemed to be and shall be fully paid up shares notwithstanding that no money has been paid thereon.

Power to purchase line of railway from J. R. Booth.

11. When and as soon as shares to the amount of \$50,000 in the capital stock of the company shall have been subscribed and ten per centum thereof paid into some chartered bank of the

First meeting of company.

the Dominion, having an office in the Province of Ontario, to the credit of the company, which shall on no account be withdrawn therefrom unless for the services of the company, the said Provisional Directors, or a majority of them, shall call a general meeting of the shareholders for the purpose of electing directors of the said company, giving at least four weeks' notice by advertisement in the *Ontario Gazette*, and in one newspaper published in the City of Ottawa, of the time, place and purpose of said meeting.

First election
of directors.

12. At such general meeting the shareholders present who shall have paid up ten per centum on their shares, and the shareholders who shall hold shares allotted to John Rudolphus Booth as before expressed, with such proxies as may be present, shall elect not less than five and not more than seven persons as hereinafter mentioned, to be directors of the said company (of whom a majority shall be a quorum), and may also pass such rules, regulations and by-laws as may be deemed expedient.

Calls.

13. The directors may, from time to time, make calls as they shall think fit, provided that no calls shall be made upon any shares allotted to John Rudolphus Booth, as in this Act provided, and no calls shall be made at any one time of more than ten per centum of the amount subscribed by each shareholder, and thirty days' notice shall be given of each call as provided in the next section.

Annual
meetings.

14. The general annual meeting of the shareholders of the said company shall be held in such place in the city of Ottawa or in such other place and on such days and at such hours as may be directed by by-laws of the company, and public notice thereof shall be given at least four weeks previously in the *Ontario Gazette*, and once a week in some newspaper published at the city of Ottawa during the four weeks preceding the week in which such meeting is to be held.

Special
meetings.

15. Special general meetings of the shareholders of the said company may be held at such place and at such times and in such manner and for such purposes as may be provided by the by-laws of the said company upon such notice as is provided in the last preceding section.

Power to be-
come parties
to promissory
notes, etc.

16. The said company shall have power and authority to become parties to promissory notes and bills of exchange for sums not less than \$100, and any such promissory note or bill of exchange made, accepted or endorsed by the President or Vice-President of the company, and countersigned by the Secretary of the said company and under the authority of a quorum of the directors, shall be binding on the said company, and every such promissory note or bill of exchange so made shall be presumed to have been made with proper authority
until

until the contrary be shewn, and in no case shall it be necessary to have the seal of the said company affixed to such promissory note or bill of exchange; nor shall the President, Vice-President or the Secretary be individually responsible for the same unless the said promissory notes or bills of exchange have been issued without the sanction and authority of the directors as herein provided and enacted; provided, however, Proviso. that nothing in this section shall be construed to authorize the said company to issue any promissory note or bill of exchange payable to bearer or intended to be circulated as money or as the notes or bills of a bank.

17. It shall be lawful for the directors of the company to enter into any agreement with any company or companies, if lawfully authorized to enter into such an agreement, person or persons, for the leasing, hiring or use of any locomotives, carriages, rolling stock and other movable property from such companies or persons, for such time or times, and on such terms as may be agreed on, and also to enter into agreement with any railway company or companies, if so lawfully authorized, for the use by one or more of such contracting companies of the locomotives, carriages, rolling stock and other movable property of the other or others of them, on such terms as to compensation and otherwise as may be agreed upon. Agreements for leasing rolling stock.

18. The said company may also construct an electric telegraph line in connection with their railway, and for the purpose of constructing, working and protecting the said telegraph line, the powers conferred upon telegraph companies by *The Act respecting Electric Telegraph Companies* (chapter 151 of the Revised Statutes of Ontario) are hereby conferred upon the said company. Telegraph lines.

19. Aliens and companies incorporated abroad, as well as British subjects and corporations, may be shareholders in the said company, and all such shareholders, whether resident in this Province or elsewhere, shall be entitled to vote on their shares equally with British subjects, and shall also be eligible to office as directors in the said company. Rights of aliens.

20. Shares in the capital stock of the said company may be transferred by any form of instrument in writing, but no transfer shall become effectual unless the stock or scrip certificates issued in respect of shares intended to be transferred are surrendered to the company, or the surrender thereof dispensed with by the company. Transfer of Shares.

21. The said company shall have power to collect and receive all charges, subject to which goods or commodities may come into their possession, and on payment of such back-charges and without any formal transfer, shall have the same lien for the amount thereof upon such goods and commodities Power to collect back-charges.
as

as the persons to whom such charges were originally due, and shall be subrogated by such payment in all the rights and remedies of such persons for such charges.

Power to make
traffic arrange-
ments with
other com-
panies.

Proviso.

Power to
purchase
whole lots.

Power to
take gravel,
etc., for con-
struction or
maintenance.

22. The directors of the company may grant to any other company running powers over their lines, or any part thereof, or they may make any traffic arrangements with any other company lawfully authorized in that behalf, as they may think proper and for such periods as they may deem best; they may agree with any other company for running powers over the railways of any such other company, or they may agree for station and other accommodation, all such grants, arrangements or agreements to be on such terms and conditions as the directors of the companies parties thereto may deem proper; provided, however, no such agreement shall be binding until it has been submitted to a special general meeting of the shareholders of the company created by this Act, and shall have been approved by two-thirds in value of the shareholders present, in person or by proxy, voting at the meeting.

23. Whenever it shall be necessary for the purpose of procuring sufficient lands for stations or gravel pits, or for constructing, maintaining and using the said railway, and in case by purchasing the whole of any lot or parcel of land over which the railway is to run, the company can obtain the same at a more reasonable price or to greater advantage than by purchasing the railway line only, the company may purchase, hold, use and enjoy such lands, and also the right of way thereto, if the same be separated from their railway, and may sell and convey the same or part thereof, from time to time, as they may deem expedient; but the compulsory clauses of *The Railway Act of Ontario* shall not apply to this section.

24. When stone, gravel, earth, or sand is or are required for the construction or maintenance of said railway or any part thereof, the company may, in case they cannot agree with the owner of the land on which the same are situate, for the purchase thereof, cause a provincial land surveyor to make a map and description of the property so required, and they shall serve a copy thereof with their notice of arbitration, as in the case of acquiring the right of way; and the notice of the arbitration, the award and the tender of the compensation shall have the same effect as in the case of arbitration for the right of way, and all the provisions of *The Railway Act of Ontario*, and of this Act, as to the service of the said notice of arbitration, compensation, deeds, payment of money into court, the right to sell, the right to convey, and the parties from whom lands may be taken or who may sell, shall apply to the subject matter of this section, and to the obtaining materials as aforesaid, and such proceedings may be had by the company, either for the right to the fee simple in the land from which said materials shall be taken,

or

or for the right to take materials for any time they shall think necessary; the notice of arbitration in case arbitration is resorted to, to state the interest required.

25.—(1) When said gravel, stone, earth or sand shall be taken under the preceding section of this Act, at a distance from the line of the railway, the company may lay down the necessary sidings and tracks over any lands which may intervene between the railway and the lands on which such materials shall be found, whatever the distance may be, and all the provisions of *The Railway Act of Ontario*, and of this Act, except such as relate to filing plans and publication of notice, shall apply and may be used and exercised to obtain the right of way from the railway to the land on which such materials are situated, and such right may be so acquired for a term of years or permanently as the company may think proper, and the powers in this and the preceding section may at all times be exercised and used in all respects after the railway is constructed, for the purpose of repairing and maintaining the said railway.

Sidings to
quarries and
gravel pits.

(2) When estimating the damages for the taking of gravel, sand, stone, or earth, sub-section 8 of section 20 of *The Railway Act of Ontario*, shall not apply.

26. It shall be lawful for the company at any point where the railway or any branch thereof approaches within two miles of any navigable waters, to purchase and hold as its own absolute property, and for the use of the company, wharves, piers, docks, water lots and lands; and upon the said water lots and lands and in and over the waters adjoining the same, to build and erect elevators, storehouses, warehouses, and engine-houses, sheds, wharves, docks, piers, and other erections for the use of the company, and the steam and other vessels owned, worked or controlled by the company, or any other steam or other vessels; and to collect wharfage and storage charges for the use of the same, and also to erect, build, repair and maintain all moles, piers, wharves and docks necessary and proper for the protection of such works, and for the accommodation and convenience of vessels entering, leaving, lying, loading and unloading within the same, and to dredge, deepen and enlarge such works, and the said wharves, piers and docks, water lots, lands, elevators, storehouses, warehouses, engine-houses, sheds and other erections, or any thereof, or any portions thereof in its discretion to sell, lease or convey.

Power to
purchase
wharves, etc.

27. It shall be lawful for the company, to purchase, build complete, fit out and charter, sell and dispose of, work and control, and keep in repair steam or other vessels, from time to time to ply on lakes, rivers and canals of this Province in connection with the said railway, and also to make arrangements and agreements with the steamboat and vessel proprietors, by chartering or otherwise, to ply on the said lakes, rivers and canals in connection with the said railway.

Power to
purchase
vessels, etc.

28.

Power to contract for construction of railway.

28. It shall be lawful for the directors to enter into a contract or contracts with any individual or association of individuals for the construction or equipment, or both, of any part of the company's lines yet to be built or completed, or for the construction or completion of any extension or improvement or improvements of their lines, or any branches authorized by this Act, or any part of any such, and including or excluding the purchase of right of way, and to pay therefor, either in the whole or in part, either in cash or bonds or paid up stock, or partly in one and partly in the other, or otherwise howsoever as the said directors shall deem best.

Snow fences.

29. The company shall have the right, on and after the first day of November in each year, to enter into and upon any lands of Her Majesty, or into or upon any lands of any corporation or person whatsoever, lying along the route or line of said railway, and to erect and maintain snow fences thereon, subject to the payment of such damages (if any) as may be thereafter established, in the manner provided by law in respect of such railway, to have been actually suffered: Provided always that such snow fences so erected shall be removed on or before the first day of April following.

Proviso.

SCHEDULE A.

(Section 6.)

Know all men by these presents that I (or we), [*insert the name or names of the vendor or vendors*], in consideration of dollars paid to me (or us) by the Nosbonsing and Nipissing Railway Company, the receipt whereof is hereby acknowledged, do grant and convey unto the said company; and I (or we), [*insert the name of any other party or parties*], in consideration of dollars paid to me (or us) by the said company, the receipt whereof is hereby acknowledged, do grant or release all that certain parcel (or those certain parcels, as the case may be) of land, (*describe the land*) the same having been selected and laid out by the said company for the purposes of their railway, to hold with the appurtenances unto the said Nosbonsing and Nipissing Railway Company, their successors and assigns (*here insert any other clauses, covenants or conditions required*), and I (or we) the wife (or wives) of the said do hereby bar my (or our) dower in the said lands.

As witness my (or our) hand and seal (or hands and seals)
this day of A.D. 188

Signed, sealed and delivered
in the presence of

[L.S.]

CHAPTER

CHAPTER 75.

An Act to Incorporate the Ontario and Rainy River Railway Company.

[Assented to 25th March, 1886.]

WHEREAS Robert Edwin Mitchell and others have, by Preamble. their petition, represented that it is desirable that a railway should be constructed from some point at or near the town of Port Arthur, in the district of Thunder Bay, to some point on Rainy River, in the Province of Ontario, between Fort Francis and the mouth of the said river, with a branch thereof from some point at or near where the line of latitude 49 crosses the line of longitude 93, in a north-westerly direction to the village of Rat Portage, and have prayed for an Act accordingly, and whereas it is expedient to grant the prayer of the said petition;

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. Robert Edwin Mitchell, William West Russell, Thomas Ambrose Gorham, James McTeigue, Michael Dwyer and William George Smith, all of the town of Port Arthur, in the said district, and John H. Bartle, and Angus Sinclair of the City of London, in the Province of Ontario, with such other persons and corporations as shall in pursuance of this Act become shareholders of the said company, hereby incorporated, are hereby constituted and declared a body corporate and politic, by the name of "The Ontario and Rainy River Railway Company," hereinafter called the company. Incorporation.

2. The several clauses of *The Railway Act of Ontario*, shall be incorporated with, and be deemed to be part of this Act, and shall apply to the said Company, and to the railway to be constructed by them, except only so far as they may be inconsistent with the express enactments hereof; and the expression "this Act," when used herein, shall be understood to include the clauses of the said Railway Act so incorporated with this Act. Railway Act incorporated.

3. The Company shall have full power and authority to construct and operate a railway from some point at or near the Town of Port Arthur, in a westerly direction, (touching the Village of Fort William) to or near White Fish Lake, thence north-westerly to some point on Rainy River, between Fort Francis and the mouth of the said river: also to construct and operate a branch thereof from a point at or near the crossing of the lines of latitude 49, and longitude 93, in a north-westerly direction, to the Village of Rat Portage. Location of line.

Gauge.

4. The gauge of the said railway shall be four feet, eight and one-half inches.

Provisional directors.

5. The persons named in section 1 of this Act, with power to add to their number, shall be, and are hereby constituted a board of provisional directors of the said Company, and shall hold office as such, until the first election of directors under this Act.

Powers of Provisional directors.

6. The said board of provisional directors shall have full power forthwith to open stock books, and procure subscriptions of stock for the undertaking, and to allot the stock, and to receive payments on account of stock subscribed, and to make calls upon subscribers in respect to their stock and to sue for, and recover the same; and to cause plans and surveys to be made, and to receive for the Company any grant, loan, bonus or gift made to it, or in aid of the undertaking, and to enter into any agreement respecting the conditions or disposition of any gift or bonus in aid of the railway, and with all such other powers as under *The Railway Act of Ontario*, are vested in ordinary directors; the said directors, or a majority of them, or the board of directors to be elected as hereinafter mentioned may, in their discretion exclude any one from subscribing for stock who, in their judgment would hinder, delay or prevent the Company from proceeding with and completing their undertaking under the provisions of this Act; and if, at any time a portion, or more than the whole stock shall have been subscribed, the said provisional directors, or board of directors, shall allocate and apportion it amongst the subscribers as they shall deem most advantageous, and conducive to the furtherance of the undertaking; and in such allocation, the said directors may, in their discretion, exclude any one or more of the said subscribers, if, in their judgment, such exclusion will best secure the building of the said railway; and all meetings of the provisional board of directors shall be held at the said Town of Port Arthur, or at such other place as may best suit the interest of the said Company.

Form of conveyances.

7. Conveyances of lands to the said Company for the purposes of, and powers given by this Act, made in the form set forth in schedule A, hereunder written, or to the like effect, shall be sufficient conveyance to the said Company, their successors and assigns of the estate or interest therein mentioned, and sufficient bar of dower, respectively, of all persons executing the same; and such conveyances shall be registered in such manner, and upon such proof of execution as is required under the Registry Laws of Ontario; and no registrar shall be entitled to demand more than seventy-five cents for registering the same, including all entries and certificates thereof, and certificates endorsed on the duplicates thereof.

When only subscriptions

8. No subscription for stock in the capital of the Company shall

shall be binding on the said Company unless it shall be approved by resolution of the directors, nor unless ten per centum of the amount subscribed has been actually paid thereon within one month after subscription.

for stock to be
binding on
company.

9. The said Company may receive, either from any Government, or from any persons or bodies corporate, municipal or politic, who may have power to make or grant the same, bonuses, loans or gifts of money or securities for money, in aid of the construction, equipment or maintenance of the said railway, upon such terms and conditions as may be agreed upon.

Aid to
company.

10. The capital of the Company hereby incorporated shall be \$8,000,000, (with power to increase the same in the manner provided by *The Railway Act of Ontario*), to be divided into eighty thousand shares of \$100 each, and shall be raised by the persons and corporations who may become shareholders in such Company; and the money so raised shall be applied, in the first place, to the payment of all fees, expenses, and disbursements of and incidental to the passing of this Act, and for making the surveys, plans and estimates connected with the works hereby authorized; and the remainder of said money shall be applied to the making, equipping, completing and maintaining of the said railway, and to the other purposes of this Act.

Capital stock.

11. When, and as soon as shares to the amount of \$500,000 in the capital stock of the said Company shall have been subscribed, and ten per centum paid thereon, into a chartered bank of the Dominion, having an office in the Province of Ontario, to the credit of the Company, and which shall, on no account, be withdrawn therefrom unless for the services of the Company, the provisional directors, or a majority of them present, at a meeting duly called for the purpose, shall call a general meeting of the shareholders, for the purpose of electing directors of the said Company, giving at least four weeks' notice by advertisement in the *Ontario Gazette*, and in one or more newspapers published in the said Town of Port Arthur, of the time, place and purpose of said meeting.

First election
of directors.

12. At such general meeting the shareholders present who shall have paid up ten per centum on their shares with such proxies as may be present, shall elect not less than five, and not more than seven persons, as hereinafter mentioned, to be directors of the said Company, and may also pass such rules, regulations, and by-laws as may be deemed expedient, provided they be not inconsistent with this Act, and *The Railway Act of Ontario*.

Number of
directors.

13. No person shall be qualified to be elected as such director by the shareholders unless he be a shareholder holding

Qualification
of directors.

at

at least ten shares of stock in the said Company, and unless he has paid up all calls thereon.

Annual
meeting.

14. Thereafter the general annual meeting of the shareholders of the said Company shall be held in such place in the said Town of Port Arthur, or in such other place, and on such days, and at such hours as may be directed by the by-laws of the Company; and public notice thereof shall be given at least four weeks previously in the *Ontario Gazette*, and once a week in one newspaper published in the said Town of Port Arthur during the four weeks preceding the week in which such meeting is to be held.

Special
meetings.

15. Special general meetings of the shareholders of said Company may be held at such place, and at such times, and in such manner, and for such purposes as may be provided by the by-laws of said Company, and upon such notice as is provided in the last preceding section.

Calls.

16. The directors may, from time to time, make calls as they shall think fit, provided that no call shall be made at any one time of more than ten per centum of the amount subscribed by each shareholder, and thirty days' notice shall be given of each call as provided in section 11 of this Act.

Rights of
aliens.

17. Aliens and companies incorporated abroad, as well as British subjects and corporations, may be shareholders in the said Company, and all such shareholders, whether resident in this Province or elsewhere, shall be entitled to vote on their shares equally with British subjects, and shall also be eligible to office as directors in the said Company.

Quorum of
directors.

18. At all meetings of the board of directors, whether of provisional directors or of those elected by the shareholders, five directors shall form a quorum for the transaction of business.

Agreements
with other
companies.

19. It shall be lawful for the company to enter into any agreement with the Thunder Bay Colonization Railway Company, or the Canadian Pacific Railway Company, if lawfully empowered to enter into such agreement, for leasing to them the said railway or any part thereof, and it shall further be lawful for the company to enter into any agreements with the said companies or either of them, if so lawfully authorized, for the working of the said railway, or for running powers over the same, on such terms and conditions as the directors of the several contracting companies may agree on, or for leasing and hiring from such other contracting company or companies, any portion of their railway or the use thereof, and generally to make any agreement or agreements with the said companies, if so lawfully authorized, touching the use by one or the other or by both companies of the railway, or the rolling stock of either or both, or any part thereof,

thereof, or touching any service to be rendered by the one company to the other, and the compensation therefor, and any such agreement shall be valid and binding, according to the terms and tenor thereof, and the company or companies leasing or entering into such agreement for using the said line, may and are hereby authorized to work the said railway in the same manner and in all respects as if incorporated with its own line, and to exercise so far as the same are applicable, all the rights, powers and privileges by this Act conferred; provided that every such lease or agreement shall first be sanctioned at a special general meeting called for the purpose of considering the same according to the by-laws of the company and the provisions of this Act, by the vote of two-thirds in value of the shareholders present in person or by proxy at such meeting.

Proviso.

20. The company is also authorized and empowered to make necessary arrangements to contract and agree with the Thunder Bay Colonization Railway Company, or the Canadian Pacific Railway Company, if lawfully empowered to enter into such arrangement, or either of them, for amalgamation with the said companies, or either of them, or for the leasing their said line or any part or parts thereof to the said companies or either of them, and may also make traffic or running arrangements with either of the said companies, provided that the terms of such amalgamation or lease are approved of by two-thirds of the shareholders present in person or represented by proxy at a special general meeting to be held for that purpose in accordance with this Act; but nothing in this or the preceding section shall be construed as purporting or intending to confer rights or powers upon any company which is not within the legislative authority of this Province.

Amalgamation with certain companies authorized.

Proviso.

21. It shall be lawful for the directors of the company to enter into agreement with any company or companies, (if lawfully authorized to enter into such an agreement,) person or persons, for the leasing, hiring or use of any locomotives, carriages, rolling stock and other moveable property from such companies or persons for such time or times, and on such terms as may be agreed on, and also to enter into agreement with any railway company or companies, if so lawfully authorized for the use by one or more of such contracting companies of the locomotives, carriages, rolling stock and other moveable property of the other or others of them, on such terms as to compensation and otherwise as may be agreed upon.

Agreements for use of rolling stock, etc.

22. The company shall have power and authority to become parties to promissory notes and bills of exchange, for sums not less than \$100, and any such promissory note or bill of exchange made, accepted or endorsed by the president or vice-president of the company, and countersigned by the secretary of the said company, and under the authority of a quorum of the directors, shall be binding on the company, and

Negotiable instruments.

and every such promissory note or bill of exchange so made shall be presumed to have been made with proper authority until the contrary be shewn; and in no case shall it be necessary to have the seal of the company affixed to such promissory note or bill of exchange, nor shall the persons signing the same be individually responsible for the same, unless the said promissory notes or bills of exchange have been issued without the sanction and authority of the directors as herein provided and enacted; provided however, that nothing in this section shall be construed to authorize the company to issue any note or bill of exchange payable to bearer or intended to be circulated as money or as the notes or bills of a bank.

Grants of land to company.

23. Any municipality through which the said railway may pass is empowered to grant, by way of gift, to the company, any lands belonging to such municipality, or over which it may have control, which may be required for right of way, station grounds or other purposes connected with the running or traffic of the said railway, and the company shall have power to accept gifts of land, from any government, or any person, or any body politic or corporate, and shall have power to sell or otherwise dispose of the same for the benefit of the company.

Certain payments may be made in stock or bonds.

24. The provisional directors, or the elected directors may pay, or agree to pay in paid-up stock, or in the bonds of the said company, such sums as they may deem expedient, to engineers or contractors, or for right of way, or material, plant or rolling stock, and also, when sanctioned by a vote of the shareholders at any general meeting, for the services of the promoters or other persons who may be employed by the directors in furthering the undertaking, or for the purchase of right of way, material, plant or rolling stock, whether such promoters or other persons be provisional or elected directors or not; and any agreement so made shall be binding on the company.

Acquiring lands for stations, gravel pits, etc.

25. Whenever it shall be necessary for the purpose of procuring sufficient lands for stations or gravel pits; or for constructing, maintaining and using the said railway, and in case, by purchasing the whole of any lot or parcel of land over which the railway is to run, the company can obtain the same at a more reasonable price, or to greater advantage than by purchasing the railway line only, the company may purchase, hold, use and enjoy such lands, and also the right of way thereto, if the same be separated from their railway, and may sell and convey the same, or any part thereof, from time to time, as they may deem expedient; but the compulsory clauses of *The Railway Act of Ontario* shall not apply to this section.

Acquiring gravel, etc., for construction and maintenance of railway.

26. When stone, gravel, earth or sand is or are required for the construction or maintenance of said railway or any part thereof, the company may, in case they cannot agree with the owner

owner of the lands on which the same are situate, for the purchase thereof, cause a provincial land surveyor to make a map and description of the property so required, and they shall serve a copy thereof with their notice of arbitration, as in case of acquiring the roadway, and the notice of arbitration, the award and the tender of the compensation, shall have the same effect as in case of arbitration for the roadway; and all the provisions of *The Railway Act of Ontario*, and of this Act, as to the service of the said notice, arbitration, compensation, deeds, payment of money into Court, the right to sell, the right to convey, and the parties from whom lands may be taken, or who may sell, shall apply to the subject matter of this section as to the obtaining materials as aforesaid; and such proceedings may be had by the said company, either for the right to the fee simple in the land from which said material shall be taken, or for the right to take materials for any time they shall think necessary; the notice of arbitration, in case arbitration is resorted to, to state the interest required.

27.—(1) When said gravel, stone, earth or sand shall be taken under the preceding section of this Act, at a distance from the line of the railway, the company may lay down the necessary sidings and tracks over any lands which may intervene between the railway and the lands on which said material shall be found, whatever the distance may be; and all the provisions of *The Railway Act of Ontario* and of this Act, except such as relate to filing plans and publication of notice, shall apply and may be used and exercised to obtain the right of way from the railway to the land on which such materials are situated; and such right may be so acquired for a term of years, or permanently, as the company may think proper; and the powers in this and the preceding section may at all times be exercised and used in all respects after the railway is constructed for the purpose of repairing and maintaining the said railway.

(2) When estimating the damages for the taking of gravel, stone, earth or sand, sub-section 8 of section 20 of *The Railway Act of Ontario* shall not apply.

28. The directors of the said company, after the sanction of the shareholders shall have first been obtained at any special general meeting to be called from time to time for such purpose, shall have power to issue bonds, made and signed by the President or Vice-President of the said company, and countersigned by the Secretary, and under the seal of the said company, for the purpose of raising money for prosecuting the said undertaking; and such bonds shall, without registration or formal conveyance, be taken and considered to be the first and preferential claims and charges upon the undertaking and the real property of the company, including its rolling stock and equipments then existing, and at any time thereafter

Proviso.

Proviso.

Proviso.

thereafter acquired; and each holder of the said bonds shall be deemed to be a mortgagee and incumbrancer, *pro rata*, with all the other holders thereof, upon the undertaking and property of the company as aforesaid: provided, however, that the whole amount of such issue of bonds shall not exceed in all the sum of \$20,000 per mile; and provided that in the event at any time of the interest upon the said bonds remaining unpaid and owing, then, at the next ensuing general annual meeting of the said company all holders of bonds shall have and possess the same rights, privileges and qualifications for directors and for voting as are attached to shareholders: provided further, that the bonds and any transfers thereof shall have been first registered in the same manner as is provided for the registration of shares, and it shall be the duty of the Secretary of the company to register the same on being required to do so by any holder thereof.

Form of bonds.

29. All such bonds, debentures and other securities and coupons and interest warrants thereon respectively, may be made payable to bearer and transferable by delivery, and any holder of any such securities so made payable to bearer; may sue at law thereon in his own name.

Power to mortgage bonds.

30. The company hereby incorporated may from time to time for advances of money to be made thereon, mortgage or pledge any bonds, debentures or mortgage securities which, under the powers of this Act, can be issued for the construction of the railway or otherwise.

Transfer of shares.

31. Shares in the capital stock of the said company may be transferred by any form of instrument in writing, but no transfer shall become effectual unless the stock or scrip certificates issued in respect of shares intended to be transferred are surrendered to the company, or the surrender thereof dispensed with by the company.

Exemption from municipal taxation.

32. The corporation of any municipality through any part of which the railway of the said company passes, or in which it is situate, is empowered by by-law specially passed for that purpose, to exempt the said company and its property within such municipality, either in whole or in part from municipal assessment or taxation, or to agree to a certain sum per annum, or otherwise in gross, by way of commutation or composition for payment, or in lieu of all or any municipal rates or assessments to be imposed by such municipal corporation, and for such term of years as such municipal corporation may deem expedient, not exceeding twenty-one years, and no such by-law shall be repealed, unless in conformity with a condition contained therein.

Power to purchase, etc. wharves, etc.

33. It shall and may be lawful for the company at any point where the railway, or any branch thereof, approaches within

within two miles of any navigable waters, to purchase and hold as its own absolute property, and for the use of the company, wharves, piers, docks, water lots, water frontages, and lands; and upon the said water lots, water frontages and lands, and in and over the waters adjoining the same, to build and erect elevators, storehouses, warehouses and engine houses, sheds, wharves, docks, piers and other erections, for the use of the company, and the steam and other vessels owned, worked or controlled by the company, or any other steam or other vessel; and to collect wharfage and storage charges for the use of the same; and also to erect, build, repair, and maintain all moles, piers, wharves and docks necessary and proper for the protection of such works, and for the accommodation and convenience of vessels entering, leaving, lying, loading and unloading within the same, and to dredge, deepen, and enlarge such works; and the said wharves, piers, and docks, water lots, water frontages, lands, elevators, storehouses, warehouses, engine houses, sheds and other erections, or any thereof, or any portions thereof, in its discretion to sell, lease, or convey.

34. It shall and may be lawful for the company to purchase, build, complete, fit out and charter, sell and dispose of, work and control, and keep in repair, steam or other vessels, from time to time to ply on lakes, rivers and canals of this Province, in connection with the said railway; and also to make arrangements and agreements with steamboat and vessel proprietors, by chartering or otherwise, to ply on the said lakes, rivers and canals, in connection with the said railway.

Power to purchase and work vessels in connection with the railway.

35. The said company shall have power to purchase and hold such land as may be required at each extremity of the said railway for the purpose of building thereon storehouses, warehouses, engine houses and other erections for the uses of the said company, and the same or portions thereof in their discretion to sell or convey, and also to make use for the purpose of the said railway of any stream or water course, at or near which the said railway passes, doing, however, no unnecessary damage thereto, and not impairing the usefulness of such stream or water course.

Power to hold additional property at extremities of railway.

36. The said company shall have power to collect and receive all charges, subject to which goods or commodities may come into their possession, and on payment of such back charges, and without any formal transfer, shall have the same lien for the amount thereof upon such goods or commodities as the persons to whom such charges were originally due had upon such goods or commodities while in their possession, and shall be subrogated by such payment in all the rights and remedies of such persons for such charges.

Power to collect back charges on goods.

37. It shall, and may be lawful for any municipality through which the said railway passes and having jurisdiction in

Right to use highways.

in the premises, to pass a by-law or by-laws empowering the company to make their road, and lay their rails along any of the highways within such municipality, and whether or not the same be in possession or under the control of any joint stock company, and if such highway be either in the possession of, or under the control of any joint stock company, then also with the assent of such company, and it shall and may be lawful for the company to enter into and perform any such agreement as they may from time to time deem expedient, with any municipality, corporation or person for the construction, or for the maintenance and repair of gravel or other public roads leading to the said railway.

Telephone and
telegraph
lines.

38. The said company may also construct a telephone line and an electric telegraph line in connection with their railway, and for the purpose of constructing, working and protecting the said telephone and telegraph lines, the powers conferred upon telegraph companies by *The Act Respecting Electric Telegraph Companies* (chapter 151 of the Revised Statutes of Ontario,) are hereby conferred upon the said company.

Construction
in ten mile
sections.

39. The company is hereby authorized and empowered to take and make the surveys and levels of the land through which the railway of the company is to pass, together with the map or plan thereof, and of its course and direction, and of the lands intended to be passed over and taken therefor as far as then ascertained, and also the book of reference for the railway, and to deposit the same as required by the clauses of *The Railway Act of Ontario* and amendments thereto, with respect to "plans and surveys" by sections or portions less than the whole length of the said railway authorized, of such length as the company may from time to time see fit, so that no one of such sections or portions shall be less than ten miles in length, and upon such deposit as aforesaid of the map or plan and book of reference of any and each of such sections or portions of the said railway, all and every of the clauses of the said Railway Act and the amendments thereof applied to, included in, or incorporated with this Act, shall apply and extend to any and each of such sections or portions of the said railway, as fully and effectually as if the surveys and levels had been taken and made of the lands through which the whole of the said railway is to pass, together with the map or plan of the whole thereof and of its whole course and direction and of the lands intended to be passed over and taken, and the book of reference for the whole of the said railway had been taken, made, examined, certified and deposited, according to the said clauses of the said Railway Act and the amendments thereof, with respect to "plans and surveys."

Power to
erect snow
fences.

40. The company shall have the right on and after the first day of November in each year to enter into and upon any lands of Her Majesty, or into or upon any lands of any corporation

or

or person whatsoever, lying along the route or line of the said railway, and to erect and maintain snow fences thereon, subject to the payment of such damages (if any) as may be thereafter established in the manner provided by law in respect of such railway to have been actually suffered: provided always that any such snow fences so erected shall be removed on or before the first day of April following.

41. The railway shall be commenced within three years ^{Time for} and completed within seven years after the passing of this ^{construction.} Act.

SCHEDULE A.

(Section 7.)

Know all men by these presents that I (or we) (*insert the name or names of the vendor or vendors*) in consideration of \$, paid to me (or us) by the Ontario and Rainy River Railway Company, the receipt whereof is hereby acknowledged, do grant and convey unto the said company, and I (or we) (*insert the name or names of any other party or parties*) in consideration of \$, paid to me (or us) by the said company, the receipt whereof is hereby acknowledged, do grant and release all that certain parcel (or those certain parcels as the case may be) of land, (*describe the land*) the same having been selected and laid out by the said company for the purposes of their railway to hold, with the appurtenances unto the said Ontario and Rainy River Railway Company, their successors and assigns, (*here insert any other clauses, conditions and covenants required*) and I (or we) wife (or wives) of the said do hereby bar my (or our) dower to the said lands.

As witness my (or our) hand and seal (or hands and seals)
this day of 18 .

Signed, sealed and delivered }
in the presence of }

L.S.

CHAPTER 76.

An Act to Incorporate the Pacific and Atlantic Railway Company.

[Assented to 25th March, 1886.]

Preamble.

WHEREAS the construction of a railway on the line hereinafter set forth, would open up and develop large sections of the Province now difficult of access, and would supply an important and independent link connecting the railway systems at its eastern terminus with those at its western, and would conduce to the general advantage of the Province of Ontario; and whereas the persons hereinafter mentioned have, by petition, prayed that they may be incorporated for the purpose of constructing and operating such railway; and whereas it is expedient to grant the prayer of the said petition;

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

Incorporation.

1. D. C. Linsley, Wm. A. Allan, Wm. Macdougall, S. J. Ritchie, J. Conmee, C. L. Snow, C. A. Craig, F. W. Marsh, R. A. Lyon, Jacob William Dill, Angus Sinclair, William Turner, John Robinson, James B. Dobie, and David Jackson, together with all such persons and corporations as shall become shareholders in the Company hereby incorporated, shall be and are hereby constituted a body corporate and politic by the name of "The Pacific and Atlantic Railway Company," hereinafter called the Company.

Railway Act incorporated.

2. The several clauses of *The Railway Act of Ontario* shall be incorporated with, and be deemed to be part of this Act, and shall apply to the said Company, and to the railway to be constructed by them, except only so far as they may be inconsistent with the express enactments hereof; and the expression "this Act," when used herein, shall be understood to include the clauses of the said Railway Act so incorporated with this Act.

Location of line.

3. The said Company, their agents and servants, shall have full power and authority to survey, lay out, construct, complete, lease, purchase and operate a single or double line of railway, from a point on the eastern boundary of the Province of Ontario, in the County of Glengarry, thence westerly by the most direct and available engineering route *via* Ottawa, the valleys of the Madawaska, Maganetawan and Spanish Rivers, to the waters of Lake Superior, and connecting with any railway bridge which may be built across the St. Mary's River at or near the Sault Ste. Marie in the District of Algoma;

Algoma; also branch lines from such points on the above line as the said Company may deem most practicable, to and through the Island of Manitoulin, and to a connection *via* the Village of Parry Sound, if found practicable, with the Midland Railway system in the County of Simcoe, or at its option, in the County of Haliburton or both of said branches, with full power to pass over any portion of the country between the points aforesaid, and to carry their railway through crown lands, if any, lying between the said points.

4. The gauge of the said railway shall be four feet eight Gauge. and one-half inches.

5. The Company shall have power to construct, purchase, Steamboats. sell, charter, own and use, scows, boats and steam or other vessels on the lakes, rivers and canals of this Province in connection with their railway.

6. The Company shall have power to purchase, lease or acquire, at any point where their railway or any branch thereof touches, or approaches within two miles of any navigable waters, sufficient land for the uses of the company, their railway and vessels run or navigated in connection with said railway, and the Company may erect warehouses, elevators, docks, wharves, stations, workshops, and such other buildings as may be necessary for the purposes of the Company, and may sell and convey such land as may be found superfluous for any such purposes; and shall also have full power to connect any of the works herein mentioned with any point on the railway, or its branches, by means of any line or lines of railway for such purposes. Purchase of lands near navigable rivers and erection of warehouses, etc,

7. The Company is authorized and empowered to make necessary arrangements to contract and agree with the Grand Trunk Railway Company of Canada, the Ontario Pacific Railway Company, the Ontario and Sault Ste. Marie Railway Company, and the Canada Atlantic Railway Company, or any or either of them, if lawfully authorized to enter into such arrangements, for amalgamation with any or either of them, provided that the terms of such amalgamation are approved of by two-thirds of the shareholders voting either in person or represented by proxy at a special general meeting to be held for that purpose in accordance with this Act. Power to amalgamate with other companies.

8. The Company shall have power to enter into, and conclude any agreement with the Grand Trunk Railway Company of Canada, the Ontario Pacific Railway Company, the Ontario and Sault Ste. Marie Railway Company, and the Canada Atlantic Railway Company, or any or either of them, if lawfully authorized to enter into such agreement, to lease the railway herein authorized, or any part thereof; or to lease or acquire, running powers over the lines of such other railway. Agreements with other companies.

Proviso.

railway companies, or any or either of them, or any part or parts thereof, or for leasing or hiring, any locomotives, tenders, plant, rolling stock, or other property, or touching any service to be rendered by the one company to the other, and the compensation therefor: provided that the agreements shall be approved of by two-thirds of the shareholders voting either in person, or by proxy, at any special general meeting, called for that purpose; but nothing in this or the preceding section shall be construed as purporting or intending to confer rights or powers upon any company which is not within the legislative authority of this Province.

Telegraph lines.

9. For the purpose of constructing, working and protecting the telegraph lines to be constructed by the Company on their line of railway, the powers conferred upon telegraph companies by *The Act Respecting Electric Telegraph Companies*, are hereby conferred upon the Company, and the other provisions of the said Act for the working and protection of telegraph lines, shall apply to any such telegraph lines constructed by the Company.

Snow fences.

10. The Company shall have the right on and after the first day of November in each year, to enter into and upon any lands of Her Majesty, or into or upon any lands of any corporation or person whatsoever, lying along the route or line of the said railway, and to erect and maintain snow fences thereon, subject to the payment of such damages (if any) as may be thereafter established in the manner provided by law in respect of such railway to have been actually suffered: provided always that any such snow fences so erected shall be removed on or before the first day of April following.

Provisional directors.

11. D. C. Linsley, Wm. A. Allan, Wm. Macdougall, J. Conmee, R. A. Lyon, C. L. Snow, S. J. Ritchie, C. A. Craig, F. W. Marsh, Jacob William Dill, Angus Sinclair, William Turner, John Robinson, James B. Dobie, and David Jackson, with power to add to their number, are hereby constituted a board of provisional directors of the Company, and shall hold office as such until other directors shall be elected under the provisions of this Act by the shareholders, and shall have power to fill the place or places of any of their number which may become vacant, and to open stock books and procure subscriptions for the undertaking, to make calls upon the subscribers to cause surveys and plans to be executed and to call a general meeting of the shareholders for the election of directors as hereinafter provided; and with all such other powers as, under *The Railway Act of Ontario*, are vested in ordinary directors; and such provisional directors may appoint a committee from their number to open such stock books, giving at least four weeks' notice in the *Ontario Gazette*, and in one paper published in the City of Ottawa, of the time and place of meeting to open such books and to receive such subscriptions, and the said

said committee, or a majority of them, may in their discretion exclude any person from subscribing.

12. The capital stock of the Company hereby incorporated shall be \$5,000,000 (with power to increase the same in the manner provided by *The Railway Act of Ontario*), to be divided into fifty thousand shares of \$100 each, and shall be raised by the persons and corporations who may become shareholders in such company; and the money so raised shall be applied, in the first place, to the payment of all fees, expenses, and disbursements of and incidental to the passing of this Act, and for making the surveys, plans and estimates connected with the works hereby authorized; and the remainder of said money shall be applied to the making, equipping, completing and maintaining of the said railway, and to the other purposes of this Act. Capital stock.

13. When and so soon as shares to the amount of \$150,000 in the capital stock of the company shall have been subscribed and ten per cent. shall have been paid into one of the chartered banks of the Dominion, having an office in the Province of Ontario (which shall on no account be withdrawn therefrom unless for the service of the company) the provisional directors or a majority of them present at a meeting duly called for the purpose, shall call a meeting of the subscribers for the purpose of electing directors, giving at least four weeks' notice in a paper published in the City of Ottawa, and in the *Ontario Gazette*, of the time, place and object of such meeting; and at such general meeting the shareholders present, either in person or by proxy, and who shall at the opening of such meeting have paid ten per centum on the stock subscribed by them, shall elect not less than seven or more than thirteen persons to be directors of the company in manner and qualified as hereinafter directed; which said directors shall constitute a board of directors, and shall hold office until the next general annual meeting. First election of directors.

14. It shall be lawful for the directors in procuring subscriptions for stock to allot such stock in such amounts and subject to the payment of such calls of such amount, and at such times and at such discount as they may think fit, or they may agree for the sale of such stock, or any part thereof, at such price as they may think fit, and may stipulate for the payment of the purchase money at the time of subscription, or by instalments, and the amount of every such instalment, as and when payable, shall be deemed to be money due in respect of a call duly made in accordance with the provisions contained in section 27 of *The Railway Act of Ontario*, and non-payment of any such instalment shall carry with it all the rights, incidents and consequences as mentioned in the said Act, as in the case of a call due by a shareholder on a share. Allotment of stock.

Power to
make certain
payments in
paid-up stock.

15. The said provisional directors or the elected directors may pay or agree to pay in paid up stock, or in the bonds of the said company, such sums as they may deem expedient, to engineers or contractors, or for right of way or material, plant, or rolling stock, and also when sanctioned by a vote of shareholders at any general meeting, for the services of promoters or other persons who may be employed by the directors for the purpose of assisting the directors in the furtherance of the undertaking, or purchase of right of way, material, plant or rolling stock, whether such promoters or other persons be provisional or elected directors or not, and any agreements so made shall be binding on the company.

Annual
meetings.

16. The general annual meeting of the shareholders of the company shall be held in such place in the City of Ottawa, or at such other place, and on such days, and at such hours, as may be directed by the by-laws of the company, and public notice thereof shall be given at least four weeks previously in the *Ontario Gazette*, and once a week in one newspaper published in the City of Ottawa, during the four weeks preceding the week in which such meeting is to be held.

Special
meetings.

17. Special general meetings of the shareholders of the company may be held at such place in the City of Ottawa, or at such other place, and at such times, and in such manner, and for such purposes, as may be provided by the by-laws of the company, upon such notice as is provided in the last preceding section.

Qualification
of directors.

18. In the election of directors under this Act, no person shall be elected a director unless he shall be the holder and owner of at least ten shares of the stock of the company upon which all calls have been paid up.

Rights of
aliens.

19. Aliens and companies incorporated abroad, as well as British subjects and corporations, and whether resident in this Province or elsewhere, may be shareholders in the company, and all such shareholders shall be entitled to vote on their shares equally with British subjects, and shall also be eligible to office as directors in the company.

Quorum of
Directors.

20. At all meetings of the board of directors, whether of provisional directors or of those elected by the shareholders, five directors shall form a quorum for the transaction of business.

Grants of land
to company.

21. Any municipality through which the said railway may pass is empowered to grant, by way of gift, to the company, any lands belonging to such municipality or over which it may have control, which may be required for right of way, station grounds or other purposes connected with the running or traffic of the said railway, and the company shall have
power

power to accept gifts of lands, from any government, or any person, or any body politic or corporate, and shall have power to sell or otherwise dispose of the same for the benefit of the company.

22. The company shall have power to purchase and hold such land as may be required at each extremity of the said railway for the purpose of building thereon storehouses, warehouses, engine houses and other erections for the uses of the said company, and the same or portions thereof in their discretion to sell or convey, and also to make use for the purpose of the said railway of any stream or water-course at or near which the said railway passes, doing, however, no unnecessary damage thereto, and not impairing the usefulness of such stream or water course.

Power to hold additional property at extremities of railway.

23. It shall and may be lawful for any municipality through which the said railway passes and having jurisdiction in the premises, to pass a by-law or by-laws empowering the company to make their road and lay their rails along any of the highways within such municipality, and whether or not the same be in possession or under the control of any joint stock company, and if such highway be either in the possession of, or under the control of, any joint stock company, then, also with the assent of such company, and it shall and may be lawful for the company to enter into and perform any such agreement as they may from time to time deem expedient, with any municipality, corporation or person for the construction or for the maintenance and repair of gravel or other public roads leading to the said railway.

Right to use highways.

24. It shall further be lawful for the council of any municipality through which any part of the said railway passes or is situate, by by-law specially passed for that purpose, to exempt the Company and its property within such municipality, either wholly or in part, from municipal assessment and taxation, or to agree to a certain sum per annum or otherwise, in gross, by way of commutation or composition for payment, or in lieu of all or of any municipal rates or assessments to be imposed by such municipal corporation, and for such term of years as such municipal corporation may deem expedient, not exceeding twenty-one years, and any such by-law shall not be repealed unless in conformity with a condition contained therein.

Exemption from taxation.

25. Whenever it shall be necessary for the purpose of procuring sufficient land for stations, or gravel pits, or for constructing, maintaining and using the said railway, and in case by purchasing the whole of any lot or parcel of land over which the railway is to run, the Company can obtain the same at a more reasonable price or to greater advantage than by purchasing the railway line only, the Company may purchase,

Power to acquire more land than is required for use of railway.

hold, use, and enjoy such lands, and also the right of way thereto, if the same be separated from their railway, and may sell and convey the same, or part thereof, from time to time, as they may deem expedient, but the compulsory clauses of *The Railway Act of Ontario* shall not apply to this section.

Acquiring gravel, etc., for construction or maintenance of railway.

26. When stone, gravel, earth or sand is or are required for the construction or maintenance of said railway or any part thereof, the Company may, in case they cannot agree with the owner of the lands on which the same is situate for the purchase thereof, cause a provincial land surveyor to make a map and description of the property so required, and they shall serve a copy thereof with their notice of arbitration as in case of acquiring the roadway, and the notice of the arbitration, the award and the tender of the compensation shall have the same effect as in the case of arbitration for the roadway; and all the provisions of *The Railway Act of Ontario* and of this Act as to the service of the said notice, arbitration, compensation, deeds, payment of money into court, the right to sell, the right to convey and the parties from whom lands may be taken, or who may sell, shall apply to the subject matter of this section as to the obtaining materials as aforesaid, and such proceedings may be had by the Company either for the right to the fee simple in the land from which said material shall be taken, or for the right to take material for any time they shall think necessary; the notice of arbitration, in case arbitration is resorted to, to state the interest required.

Sidings to gravel pits, etc.

27.—(1) When said gravel, stone or other material shall be taken under the preceding section of this Act at a distance from the line of the railway, the Company may lay down the necessary sidings and tracks over any lands which may intervene between the railway and the lands on which said material shall be found, whatever the distance may be, and all the provisions of *The Railway Act of Ontario* and of this Act, except such as relate to filing plans and publication of notice, shall apply and may be used and exercised to obtain the right of way from the railway to the land on which such materials are situated; and such right may be so acquired for a term of years or permanently as the Company may think proper, and the powers in this and the preceding section may at all times be exercised and used in all respects after the railway is constructed, for the purpose of repairing and maintaining the said railway.

(2) When estimating the damages for the taking of gravel, stone, earth or sand, sub-section 8 of section 20 of *The Railway Act of Ontario* shall not apply.

Negotiable instruments.

28. The Company shall have power and authority to become parties to promissory notes and bills of exchange, for sums

sums not less than \$100, and any such promissory note or bill of exchange made, accepted or endorsed by the president of the Company, and countersigned by the secretary of the said Company, and under the authority of a quorum of the directors, shall be binding on the Company, and every such promissory note or bill of exchange so made shall be presumed to have been made with proper authority until the contrary be shewn; and in no case shall it be necessary to have the seal of the Company affixed to such promissory note or bill of exchange, nor shall the persons signing the same be individually responsible for the same, unless the said promissory notes or bills of exchange have been issued without the sanction and authority of the directors as herein provided and enacted: provided Proviso. however that nothing in this section shall be construed to authorize the said Company to issue any promissory note or bill of exchange payable to bearer or intended to be circulated as money or as the notes or bills of a bank.

29. The Company shall have power and authority to issue Preferential stock. guaranteed or preferred stock to such an amount not exceeding (\$10,000) ten thousand dollars per mile as shall be authorized by two-thirds in value of the shareholders, voting in person or by proxy, at any regular annual meeting, or special general meeting called for that purpose; but such stock shall not interfere with the lien, mortgage, and privilege attaching to bonds issued under the authority of this Act, and the holders of such stock shall have all the rights and privileges of the holders of the capital or common stock.

30. The Company shall have power and authority upon the Bonds. approval of a majority of the shareholders voting in person or by proxy, at any regular annual meeting, or special general meeting called for that purpose, to issue mortgage bonds, not to exceed \$25,000 per mile, for each and every mile of railway herein authorized to be built for the purposes of the undertaking authorized by this Act, which shall constitute a first mortgage and lien upon the undertaking and the real property of the Company, including its rolling stock and equipments then existing and at any time thereafter acquired, and each holder of the said bonds shall be deemed to be a mortgagee and incumbrancer *pro rata* with all the other holders thereof, upon the undertaking and property of the Company as aforesaid; and such mortgage shall be evidenced by a deed or deeds of trust executed by the Company, which deed or deeds shall contain such conditions respecting the payment of the said bonds and of the interest thereon, and respecting the remedies which shall be enjoyed by the holders thereof, or by any trustee or trustees for them in default of such payment and for enforcing such remedies, and for such forfeitures and penalties in default of payment thereof, and of the interest or coupons thereon, as are approved by a majority of the Board of Directors of the said

said Company at any regular meeting, or a special meeting called for that purpose, and as are not contrary to law or the provisions of this Act.

Pledging
Stock.

31. The Company may from time to time for advances of money, pledge any stock, debentures or bonds which, under the powers of this Act, can be issued for the construction of the railway or otherwise.

Power to
collect back-
charges on
goods.

32. The Company shall have power to collect and receive all charges, subject to which goods or commodities may come into their possession, and on payment of such back-charges, and without any formal transfer, shall have the same lien for the amount thereof upon such goods or commodities, as the persons to whom such charges were originally due had upon such goods or commodities while in their possession, and shall be subrogated by such payment in all the rights and remedies of such persons for such charges.

Form of con-
veyances.

33. Conveyances of lands to the said Company for the purposes of and powers given by this Act, made in the form set forth in Schedule A hereunder written, or to the like effect, shall be sufficient conveyance to the said Company, their successors and assigns, of the estate or interest therein mentioned, and sufficient bar of dower, respectively, of all persons executing the same; and such conveyances shall be registered in such manner and upon such proof of execution as is required under the Registry Laws of Ontario; and no registrar shall be entitled to demand more than seventy-five cents for registering the same, including all entries and certificates thereof, and certificates indorsed on the duplicates thereof.

Power to build
railway by
sections.

34. The Company is hereby authorized and empowered to take and make the surveys and levels of the land through which the railway of the Company is to pass, together with the map or plan thereof, and of its course and direction, and of the lands intended to be passed over and taken therefor, as far as then ascertained, and also the book of reference for the railway, and to deposit the same as required by the clauses of *The Railway Act of Ontario* and amendments thereto, with respect to "plans and surveys" by sections or portions less than the whole length of the said railway authorized, of such length as the Company may from time to time see fit, so that no one of such sections or portions shall be less than ten miles in length, and upon such deposit as aforesaid of the map or plan and book of reference of any and each of such sections or portions of the said railway, all and every one of the clauses of the said Railway Act and the amendments thereof applied to, included in, or incorporated with this Act, shall apply and extend to any and each of such sections or portions of the said railway, as fully and effectually as if the surveys and levels had been taken and made of the lands through
which

which the whole of the said railway is to pass, together with the map or plan of the whole thereof and of its whole course and direction and of the lands intended to be passed over and taken, and the book of reference for the whole of the said railway had been taken, made, examined, certified and deposited, according to the said clauses of the said Railway Act and the amendments thereof, with respect to “plans and surveys.”

35. The railway shall be commenced within two years and completed within seven years after the passing of this Act.

Commence-
ment and
completion of
railway.

SCHEDULE A.

(Section 33.)

Know all men by these presents that I (or we) (*insert the name or names of the vendor or vendors*) in consideration of \$, paid to me (or us) by the Pacific and Atlantic Railway Company, the receipt whereof is hereby acknowledged, do grant and convey unto the said Company, and I (or we) (*insert the name or names of any other party or parties*) in consideration of \$, paid to me (or us) by the said Company, the receipt whereof is hereby acknowledged, do grant and release all that certain parcel (or those certain parcels *as the case may be*) of land, (*describe the land*) the same having been selected and laid out by the said Company for the purposes of its railway to hold, with the appurtenances unto the said Pacific and Atlantic Railway Company, its successors and assigns, (*here insert any other clauses, conditions and covenants required*) and I (or we) wife (or wives) of the said do hereby bar my (or our) dower in the said lands. As witness my (or our) hand and seal (or hands and seals) this day of 18 .

Signed, sealed and delivered }
in the presence of } L.S.

CHAPTER 77.

An Act to Incorporate the Richmond Hill Junction Railway Company.

[Assented to 25th March, 1886.]

WHEREAS the persons hereinafter named and others have, by their petition, represented that it is desirable that a railway should be constructed from the Village of Richmond Hill, in the County of York, through the Township

Preamble.

ship

ship of Vaughan, to a point near Richmond Hill Station, on the Northern Railway of Canada, and connecting with the said Railroad, and have prayed for an Act accordingly; and whereas it is expedient to grant the prayer of the said petition;

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows :—

Incorporation.

1. William H. Pugsley, James Langstaff, Isaac Crosby, William Atkinson, James Newton, Andrew Newton, J. H. Sanderson, W. A. Sanderson, P. G. Savage, William Powell, senior, W. J. Wilson, Chas. Mason, F. McConaghy, T. H. Redditt, J. R. Arnold, John Brown, William Powell, junior, Benjamin Brilinger, James M. Lawrence, A. L. Skeelee, John Palmer, William Trench, T. F. McMahon, B. Redditt, and Jeremiah Mortson, with such other persons and corporations as shall, in pursuance of this Act, become shareholders of the said Company hereby incorporated, are hereby constituted and declared a body corporate and politic, by the name of "The Richmond Hill Junction Railway Company," hereinafter called the Company.

Location of line.

2. The said Company shall have full power and authority to construct a railway from the Village of Richmond Hill through the Township above mentioned, to the said Richmond Hill Station on the Northern Railway of Canada.

Gauge.

3. The gauge of the said railway shall be four feet eight and one-half inches.

Railway Act incorporated.

4. The several clauses, of *The Railway Act of Ontario* shall be incorporated with, and be deemed to be part of this Act, and shall apply to the Company and to the railway to be constructed by them, except so far as they may be inconsistent with the enactments hereof, and the expression, "this Act," when used, herein shall be understood to include the clauses of the said Railway Act, so incorporated with this Act as aforesaid.

Provisional directors.

5. The persons named in section 1 of this Act, with power to add to their number, shall be and are hereby constituted a board of provisional directors of the said company, and shall hold office as such until the first election of directors under this Act.

Powers of provisional directors.

6. The said board of provisional directors shall have full power forthwith to open stock books, and procure subscriptions of stock for the undertaking, and to allot the stock, and to receive payments on account of stock subscribed, and to make calls upon subscribers in respect to their stock, and to sue for and recover the same; and to cause plans and surveys to be made, and to receive for the company any grant, loan, bonus or gift made to it, or in aid of the undertaking, and to enter into any agreement respecting the conditions or disposition

tion of any gift or bonus in aid of the railway, and with all such other powers as under *The Railway Act of Ontario*, are vested in ordinary directors. The said directors, or a majority of them, or the board of directors to be elected as hereinafter mentioned may, in their discretion, exclude any one from subscribing for stock who, in their judgment, would hinder, delay or prevent the company from proceeding with and completing their undertaking under the provisions of this Act; and if at any time a portion or more than the whole stock shall have been subscribed, the said provisional directors or board of directors, shall allocate and apportion it amongst the subscribers as they shall deem most advantageous and conducive to the furtherance of the undertaking; and in such allocation, the said directors may, in their discretion, exclude any one or more of the said subscribers, if, in their judgment, such exclusion will best secure the building of the said railway; and all meetings of the provisional board of directors shall be held at the said Village of Richmond Hill, or at such other place as may best suit the interest of the company.

7. The capital stock of the Company shall be \$40,000, Capital stock. with power to increase the same, in the manner provided by *The Railway Act of Ontario*, to be divided into sixteen hundred shares of \$25 each, and shall be raised by the persons and corporations who may become shareholders in the Company, and the money so raised shall be applied in the first place to the payment of all expenses for procuring the passage of this Act, and for making the surveys, plans and estimates, connected with the works hereby authorised, and the remainder of such money shall be applied to the making, equipment, completion and working of the said Railway, and the other purposes of this Act.

8. When, and so soon as shares to the amount of \$10,000 in First election of directors. the capital stock of the Company shall have been subscribed, and ten per centum paid thereon into one of the chartered banks of the Dominion, having an office in the Province of Ontario, (which shall on no account be withdrawn therefrom, unless for the service of the Company) the provisional directors, or a majority of them present at a meeting duly called for the purpose, shall call a general meeting of the subscribers for the purpose of electing directors, giving at least four weeks' notice in one paper published in the Village of Richmond Hill, and in the *Ontario Gazette*, of the time, place, and object of such meeting, and at such general meeting the shareholders present, either in person, or by proxy, and who shall at the opening of such meeting have paid ten per centum on the stock subscribed by them, shall elect nine persons to be directors of the Company in manner and qualified as hereinafter directed, which said directors shall constitute a board of directors, and shall hold office until the next general annual meeting.

Directors may make certain payments in paid up stock or in bonds.

9. The said provisional directors, or the elected directors may pay, or agree to pay in paid up stock, or in the bonds of the said Company, such sums as they may deem expedient to engineers or contractors, or for right of way, or material, plant, or rolling stock, and also, when sanctioned by a vote of shareholders at any general meeting, for the services of promoters, or other persons who may be employed by the directors for the purpose of assisting the directors in the furtherance of the undertaking, or purchase of right of way, material, plant, or rolling stock, whether such promoters or other persons be provisional directors or not, and any agreement so made shall be binding on the Company.

Annual meetings.

10. Thereafter, the general annual meeting of the shareholders of the Company may be held in such place in the Village of Richmond Hill, or at such other place, and on such days, and at such hours, as may be directed by the by-laws of the Company, and public notice thereof shall be given at least four weeks previously in the *Ontario Gazette*, and once a week in one newspaper published in the Village of Richmond Hill, during the four weeks preceding the week in which such meeting is to be held.

Special general meetings.

11. Special general meetings of the shareholders of the Company may be held at such place, in the Village of Richmond Hill, and at such time, and in such manner, and for such purposes as may be provided by the by-laws of the Company upon such notice as is provided in section 10 of this Act.

Qualification of directors.

12. In the election of directors under this Act, no person shall be elected a director unless he shall be the holder and owner of at least ten shares of the stock of the Company, upon which all calls have been paid up.

Rights of aliens.

13 Aliens, as well as British subjects, and whether resident in this Province or elsewhere, may be shareholders in the Company, and all such shareholders shall be entitled to vote on their shares equally with British subjects.

Quorum of directors.

14. At all meetings of the board of directors, whether of provisional directors, or of those elected by the shareholders, five directors shall form a quorum for the transaction of business.

Calls.

15. The directors may, from time to time, make calls as they shall think fit, provided that no calls shall be made at any one time of more than ten per centum of the amount subscribed by each shareholder, and thirty days' notice shall be given of each call as provided in section 10 of this Act.

Power to lease, etc., to Northern railway.

16. It shall be lawful for the Company to enter into any agreement with the Northern Railway of Canada, if lawfully empowered

empowered to enter into such agreement, for leasing to them the said Railway, or any part thereof, and it shall further be lawful for the Company to enter into any agreement with the said Northern Railway of Canada, if so lawfully authorised, for the working of the said Railway, or for running powers over the same, on such terms and conditions as the directors of the several contracting Companies may agree on, or for leasing and hiring from such other contracting company, any portion of their railway, or the use thereof, and generally to make any agreement, or agreements, with the said Company, if so lawfully authorised, touching the use by one or the other, or by both Companies of the Railway, or the rolling stock of either, or both, or any part thereof, or touching any service to be rendered by the one Company to the other, and the compensation therefor, and any such agreement shall be valid and binding, according to the terms and tenor thereof, and the Company leasing or entering into such agreement for using the said line, may, and is hereby authorised to work the said Railway in the same manner, and in all respects as if incorporated with its own line, and to exercise, so far as the same are applicable, all the rights, powers, and privileges by this Act conferred: provided that every such lease or agreement shall first be sanctioned at a special general meeting called for the purpose of considering the same, according to the by-laws of the Company, and the provisions of this Act, by the vote of two-thirds in value of the shareholders present, in person, or by proxy, at such meeting; but this section shall not be construed as purporting or intending to confer rights or powers upon any company which is not within the legislative authority of this Province. Proviso.

17. It shall be lawful for the directors of the Company to enter into agreement with any company or companies, if lawfully authorised to enter into such an agreement, person, or persons, for the leasing, hiring, or use, of any locomotives, carriages, rolling stock, and other movable property from such companies or persons, for such time or times, and on such terms as may be agreed on, and also to enter into agreement with any railway company or companies, if so lawfully authorised, for the use, by one or more of such contracting companies of the locomotives, carriages, rolling stock, and other movable property of the other, or others of them, on such terms as to compensation and otherwise, as may be agreed upon. Agreements
for use of rolling
stock, etc.

18. The Company shall have power and authority to become parties to promissory notes and bills of exchange for sums not less than \$100, and any such promissory note or bill of exchange made or endorsed by the president or vice-president of the Company, and countersigned by the secretary of the said Company, and under the authority of a quorum of the directors, shall be binding on the Company, and every such promissory note or bill of exchange so made shall be presumed to have been made with proper Negotiable
instruments.

Proviso.

proper authority until the contrary be shewn; and in no case shall it be necessary to have the seal of the Company affixed to such promissory note or bill of exchange, nor shall the persons signing the same be individually responsible for the same, unless the said promissory notes or bills of exchange have been issued without the sanction and authority of the directors, as herein provided and enacted: provided, however, that nothing in this section shall be construed to authorize the Company to issue any note or bill of exchange payable to bearer, or intended to be circulated as money, or as the notes or bills of a bank.

Grants of land to company.

19. Any municipality through which the said Railway may pass, is empowered to grant, by way of gift to the Company, any lands belonging to such municipality, or over which it may have control, which may be required for right of way, station grounds, or other purposes connected with the running, or traffic of the said Railway; and the Company shall have power to accept gifts of land from any government, or any person, or any body politic or corporate, and shall have power to sell, or otherwise dispose of the same, for the benefit of the Company.

Power to hold additional property at extremities of railway.

20. The Company shall have power to purchase and hold such land as may be required at each extremity of the said Railway, for the purpose of building thereon storehouses, warehouses, engine-houses, and other erections, for the uses of the Company, and the same, or portions thereof, in their discretion to sell or convey; and also to make use, for the purpose of the said Railway, of any stream or watercourse, at, or near which the said Railway passes, doing, however, no unnecessary damage thereto, and not impairing the usefulness of such stream or watercourse.

Power to collect back charges.

21. The Company shall have power to collect and receive all charges subject to which goods or commodities may come into their possession, and on payment of such back charges, and without any formal transfer, shall have the same lien for the amount thereof upon such goods or commodities as the persons to whom such charges were originally due had upon such goods or commodities while in their possession, and shall be subrogated by such payment in all the rights and remedies of such persons, for such charges.

Right to use highways.

22. It shall, and may be lawful for any municipality through which the said Railway passes, and having jurisdiction in the premises, to pass a by-law, or by-laws empowering the Company to make their road, and lay their rails along any of the highways within such municipality, and whether or not the same be in the possession, or under the control of any joint stock company; and if such highway be either in the possession of, or under the control of any joint stock company,

pany, then also with the consent of such company; and it shall, and may be lawful for the Company to enter into, and perform any such agreement as they may from time to time deem expedient with any municipality, corporation, or person, for the construction, or for the maintenance and repair of gravel, or other public roads leading to said Railway.

23. For the purpose of constructing, working, and protecting the telegraph lines to be constructed by the Company on their line of Railway, the powers conferred upon telegraph companies by *The Act Respecting Electric Telegraph Companies* are hereby conferred upon the Company, and the other provisions of the said Act, for the working and protection of telegraph lines, shall apply to any such telegraph lines constructed by the Company. Telegraph lines.

24. It shall be lawful for the council of any municipality in which any part of the Railway is situated, by by-law specially passed for that purpose, to exempt the Company and its property within such municipality, either wholly or in part from municipal assessment and taxation, or to agree to a certain sum per annum, or otherwise in gross, by way of commutation or composition for payment, or in lieu of all, or any municipal rates or assessments to be imposed by such municipal corporation, and for such term of years as such municipal corporation may deem expedient, not exceeding twenty-one years, and any such by-law shall not be repealed, unless in conformity with a condition contained therein. Exemption from taxation.

25. Whenever it shall be necessary for the purpose of procuring sufficient lands for stations or gravel-pits, or for right of way for constructing, maintaining and using said railway, and in case by purchasing the whole of any lot or parcel of land over which the Railway is to run, the Company can obtain the same at a more reasonable price or to greater advantage than by purchasing the required parts only, the Company may purchase, use, hold and enjoy such lands and also the right of way thereto if the same be separated from their Railway, and sell and convey the same, or parts thereof, from time to time as they may deem expedient, but the compulsory clauses of *The Railway Act* shall not apply to this section. Power to acquire more land than required for railway.

26. When stone, gravel, earth or sand is or are required for the construction or maintenance of said Railway, or any part thereof, the Company may, in case they cannot agree with the owner of the lands on which the same is situate for the purchase thereof, cause a provincial land surveyor to make a map and description of the property so required, and they shall serve a copy thereof with their notice of arbitration as in case of acquiring the roadway, and the notice of the arbitration, the award and the tender of the compensation shall have the same effect as in the case of arbitration for the roadway, and all the provisions Power to acquire quarries and gravel pits, etc.

provisions of *The Railway Act of Ontario*, and of this Act, as to the service of the said notice, arbitration, compensation, deeds, payment of money into court, the right to sell, the right to convey, and the parties from whom lands may be taken, or who may sell, shall apply to the subject matter of this section as to the obtaining materials as aforesaid, and such proceedings may be had by the Company, either for the right to the fee simple in the land from which said material shall be taken, or for the right to take material for any time they shall think necessary, the notice of arbitration in case arbitration is resorted to, to state the interest required.

Sidings to
gravel pits
etc.

27.—(1) When said gravel, stone, or other material, shall be taken under the preceding section of this Act at a distance from the line of the Railway, the Company may lay down the necessary sidings and tracks over any lands which may intervene between the Railway and the lands on which said material shall be found, whatever the distance may be, and all the provisions of *The Railway Act of Ontario*, and of this Act, except such as relate to filing plans and publication of notice, shall apply and may be used and exercised to obtain the right of way from the Railway to the land on which such materials are situated, and such right may be so acquired for a term of years or permanently, as the Company may think proper, and the powers in this and the preceding section may at all times be exercised and used in all respects after the Railway is constructed for the purpose of repairing and maintaining the said Railway.

(2) When estimating the damages for the taking of gravel, stone, earth or sand, sub-section 8 of section 20 of *The Railway Act of Ontario* shall not apply.

Issue of
bonds.

28. The directors of the Company, after the sanction of the shareholders shall have first been obtained at any special general meeting to be called from time to time for such purpose, shall have power to issue bonds made and signed by the president or vice-president of the Company, and countersigned by the secretary, and under the seal of the Company, for the purpose of raising money for prosecuting the said undertaking; and such bonds shall, without registration or formal conveyance, be taken and considered to be the first and preferential claims and charges upon the undertaking and real property of the Company, including its rolling stock and equipments then existing, and at any time thereafter acquired, and each holder of the said bonds shall be deemed to be a mortgagee and incumbrancer, *pro rata*, with all the other holders thereof upon the undertaking and property of the Company as aforesaid; provided, however, that the whole amount of such issue of bonds shall not exceed in all the sum of \$10,000 per mile; and provided that in the event at any time of the interest upon the said bonds remaining unpaid and owing, then, at the next ensuing

Proviso.

Proviso.

ensuing general annual meeting of the Company, all holders of bonds shall have and possess the same rights, privileges and qualifications for directors and for voting, as are attached to shareholders: provided further, that the bonds and any transfers thereof shall have been first registered in the same manner as is provided for the registration of shares, and it shall be the duty of the secretary of the Company to register the same on being required to do so by any holder thereof. Proviso.

29. All such bonds, debentures and other securities and coupons and interest warrants thereon respectively, may be made payable to bearer and transferable by delivery, and any holder of any such securities so made payable to bearer, may sue at law thereon in his own name. Form of bonds.

30. The Company hereby incorporated may, from time to time, for advances of money to be made thereon, mortgage or pledge any bonds, debentures or mortgage securities which, under the powers of this Act, can be issued for the construction of the Railway or otherwise. Power to mortgage bonds.

31. The Railway shall be commenced within two years, and completed within five years after the passing of this Act. Time for construction.

32. Conveyances of land to the Company for the purposes of and powers given by this Act, made in the form set out in the Schedule A, hereunder written, or the like effect, shall be sufficient conveyances to the Company, their successors and assigns of the estate or interest, and sufficient bar of dower respectively, of all persons executing the same, and such conveyances shall be registered in the same manner and upon such proof of execution as is required under the Registry Laws of Ontario, and no registrar shall be entitled to demand more than seventy-five cents for registering the same, including all entries and certificates thereof, and certificates endorsed on the duplicate thereof. Form of conveyance.

33. The Company shall have the right, on and after the first day of November in each year, to enter into and upon any lands of Her Majesty, or into or upon any lands of any corporation or person whatsoever lying along the route or line of said Railway, and to erect and maintain snow fences thereon, subject to the payment of such damages, if any, as may be thereafter established, in the manner provided by law in respect of such railway, to have been actually suffered: Provided always that any such snow fences so erected shall be removed on or before the first day of April next following. Power to erect snow fences. Proviso.

SCHEDULE A.

(Section 32.)

Know all men, by these presents, that I (or we) [*insert the name or names of the vendor*] in consideration of

dollars, paid to me (or us) by the Richmond Hill Junction Railway Company, the receipt whereof is hereby acknowledged, do grant and convey unto the said Company, and I (or we) [*insert the name of any other party or parties*] in consideration of

dollars, paid to me (or us) by the said Company, the receipt whereof is hereby acknowledged, do grant and release all that certain parcel (or those certain parcels, *as the case may be*) of land (*describe the land*), the same having been selected and laid out by the said Company for the purposes of their Railway, to have and to hold with the appurtenances unto the said Richmond Hill Junction Railway Company, their successors and assigns [*here insert any other clauses, conditions and covenants required*] and I (or we) wife (or wives) of the said

, do hereby bar my (or our) dower in the said lands. As witness my (or our) hand and seal (or hands and seals) this

day of

, 18

Signed, sealed and delivered in }
the presence of }

[L.S.]

CHAPTER 78.

An Act Respecting the St. Catharines and Niagara
Central Railway Company.

[Assented to 25th March, 1886.]

Preamble.

WHEREAS the St. Catharines and Niagara Central Railway Company have petitioned for certain amendments to their Act of Incorporation, passed in the 44th year of Her Majesty's reign, and chaptered 73, and the several Acts amending the said Act, and it is expedient to grant the prayer of the said petition :

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows :—

1. Section 24 of the said Act, is amended by adding thereto the following sub-section :

44 V. c. 73, s.
24, amended.

(3) In the case of guarantee, the by-law shall provide for the due application of the amount to be raised for the purpose

pose thereof, and for assessing, and levying upon all ratable property lying within the municipality, minor municipality, or portion of the township municipality defined by the said by-law (as the case may be), an annual special rate sufficient to pay from time to time the sum guaranteed, and to include a sinking fund in the case of the principal of the debentures of the company being guaranteed for a period not exceeding twenty years, which guarantee, the respective municipal councils, wardens, mayors, reeves, or other officers, are hereby authorized to execute.

2. Section 26 of the said Act, is hereby amended by the substitution of the words: "council of the municipality, for the words, "municipal council" in the said section, and by adding at the end of the said section the words: "notwithstanding any words contained in any notice to the said by-law attached under the provisions of *The Consolidated Municipal Act, 1883*." Section 26 amended.

3. All coupons for interest on the debentures issued by the City of St. Catharines in aid of the company under By-law No. 354, which shall have matured before the company become entitled to the same or the proceeds thereof, shall be cut off by the trustees who hold the same and delivered to the Treasurer of the said city to be cancelled. Cancellation of coupons on St. Catharine's debentures.

4. In the event of the said company applying to the said city for further aid either under a petition now pending or otherwise, the council of the said corporation shall have power, notwithstanding anything in any Act contained, to stipulate that any such further aid to the extent of \$40,000 shall be paid to the company only on completing its line from the Niagara River to Geneva Street in the said city, and that the remainder thereof, if aid exceeding \$40,000 shall be granted, shall be paid to the company at the rate of \$5,000 for each completed mile as the work progresses westerly from the westerly limit of the said city. Conditions of further aid.

5. This Act shall not affect the rights of the City of St. Catharines as regards the terms of the said by-law and the agreement of the company bearing date the 17th day of December, 1883. Rights not affected.

6. The times limited by the several Acts respecting the St. Catharines and Niagara Central Railway Company, for commencing the main line or branches authorized by the said Acts or any of them, are hereby extended for the period of three years from the passing of this Act, and the times for completing the said main line and branches are hereby extended for six years from the passing of this Act. Extension of time for commencement and completion.

CHAPTER 79.

An Act respecting the Thunder Bay Colonization Railway Company.

[Assented to 25th March, 1886.]

Preamble.

WHEREAS the Thunder Bay Colonization Railway Company has by its petition prayed for power to extend its line from a point at or near Whitefish Lake to a point at or near Nameukan Lake with a branch to a point near Crooked Lake; and whereas it is expedient to grant the prayer of the said petition;

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

Location of line.

1. The said company shall have full power and authority to extend their line of railway from a point at or near Whitefish Lake to a point at or near Nameukan Lake, with a branch to a point at or near Crooked Lake, the said railway passing through Hunter's Island.

46 V. c. 56,
s. 7, amended.

2. Section 7 of the Act passed in the 46th year of the reign of Her present Majesty, chaptered 56, is hereby amended by striking out the words "five" in the first and second lines of the said section, and inserting the words "twelve" in the place thereof.

46 V. c. 56,
s. 30,
amended.

3. Section 30 of the said Act is hereby amended by striking out the word "two" in the twentieth line of the said section and inserting the word "six" in the place thereof.

CHAPTER 80.

An Act to amend the Acts relating to the Toronto Street Railway Company.

[Assented to 25th March, 1886.]

Preamble.

WHEREAS the Toronto Street Railway Company has by its petition prayed for certain amendments to its Act of incorporation and it is expedient to grant the prayer of the said petition;

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1.

1. All such provisions of the Acts of Parliament relating to the said company as confer rights and powers upon the said company in respect of municipalities immediately adjoining the City of Toronto, and as invest the said municipalities with authorities or powers in regard to the said company or its undertaking, shall be held to extend so as to confer such rights and powers upon the said company in respect of the Town of Parkdale, and so much of the Township of York, as lies between the said Town of Parkdale and High Park, in the said Township of York, and so as to invest the said Town of Parkdale and the said Township of York, with the like authorities and powers in regard to the said company and its undertaking, as are by the said Acts vested in municipalities immediately adjoining the said City of Toronto.

Rights in municipalities adjacent to Toronto.

2. The municipality of the Town of Parkdale may levy by special general assessment upon the ratepayers, notwithstanding any previously existing by-law or by-laws passed under section 620 of *The Consolidated Municipal Act, 1883*, or any similar section of any former Act, the cost and expense incurred in performing and carrying out such agreement as the said Town of Parkdale may, in pursuance of the Act passed in the 24th year of Her Majesty's reign, chapter 83 and of this Act, enter into with the said company : provided that no by-law of the Town of Parkdale shall be passed under this section until the assent of the electors, shall have been obtained thereto in the manner provided by *The Consolidated Municipal Act, 1883*.

Special rate may be levied by Town of Parkdale to defray cost of carrying out agreement that may be made with company.

CHAPTER 81.

An Act to further amend the Acts respecting the Lake Scugog Marsh Lands Drainage Company.

[Assented to 25th March, 1886.]

WHEREAS the Lake Scugog Marsh Lands Drainage Company have prayed for certain amendments to their Act of Incorporation passed in the 42nd year of Her Majesty's reign, and chaptered 49, and amended by an Act passed in the 44th year of Her Majesty's reign, and chaptered 54, and again amended by an Act passed in the 43th year of Her Majesty's reign, and chaptered 60, and it is expedient to grant the prayer of the said petition ;

Preamble.

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows :—

1. The said Act incorporating the said the Lake Scugog Marsh Lands Drainage Company and the Acts amending the same, are hereby continued in full force and effect so far as

Act of incorporation and amending Acts, continued.

as the same are not inconsistent with anything in this Act contained and as amended hereby ; and the said company, under the name hereby assigned to it, shall have a further period of six months from the passing of this Act for the commencing of the work to be done under the said Acts, but thereafter the said works shall be continuously carried on and completed within four years.

Name of company changed.

2. The name of the said company is hereby changed to "The Scugog Grazing Company," and the company under such name shall be entitled to all the privileges and may exercise all the rights and powers, and shall be subject to all the obligations and duties of the said the Lake Scugog Marsh Lands Drainage Company, as in the said several Acts set forth and contained ; and the said Act of Incorporation and amending Acts recited in the preamble of this Act, shall be hereafter read with the name of the Scugog Grazing Company inserted where the name of the Lake Scugog Marsh Lands Drainage Company is found therein ; and nothing in this Act contained shall affect any action or proceeding pending by or against the said company, but the same may be prosecuted and carried on as if the name of the said company had not been changed.

Powers of company.

3. The said company shall have power, in addition to the powers conferred by their Act of Incorporation and the amending Acts, to carry on the business of farming in all its several branches, and to establish creameries and cheese factories, and to buy and sell cattle and all kinds of stock, and to carry on the business of grazing and of raising all kinds of farm produce, and of selling the same and of importing and exporting stock of all kinds, and to carry on gristing, grinding, milling and all trades and all kinds of business incident to, or pertaining to, or necessary in and about the carrying on of the works or business, contemplated by the said Act of Incorporation and the Acts amending the same, including this Act.

Expropriation of lands.

4. The said company shall not under this or any former Acts have power to expropriate lands except so far only as may be necessary for the purposes of the construction, maintenance and keeping in repair of certain dams and embankments, and for the further purposes of acquiring lands for public roadways across the said marsh lands and for procuring earth necessary to construct the same and keep the same in repair : provided that any powers in and by this section given to the said company to acquire lands shall be exercised only in pursuance of the provisions in that behalf contained in the statutes relating to the said company and not otherwise.

Proviso.

R. S. O. c. 150, s. 16-19 incorporated.

5. Sections 16, 17, 18 and 19 of the Act intituled *An Act respecting the Incorporation of Joint Stock Companies by Letters Patent* shall be incorporated in this Act and be taken and read as a portion thereof, except in so far as any of the clauses herein shall conflict therewith.

CHAPTER

CHAPTER 82.

An Act respecting the Riverside Cemetery Company of Port Arthur.

[Assented to 25th March, 1886.]

WHEREAS the Riverside Cemetery Company of Port Arthur, incorporated under and by virtue of chapter 170, of the Revised Statutes of Ontario, entitled *An Act respecting Cemetery Companies*, is desirous of selecting, for the purpose of a cemetery or burying ground, a certain piece or parcel of land within the limits of the corporation of the Town of Port Arthur, containing twenty-six acres, more or less, and which may be more particularly described as follows:—Commencing at a point where the eastern boundary of section 50, of the Township of McIntyre, in the Town of Port Arthur, intersects the northern limit of the “Oliver” Road, as now located; thence north astronomically eight chains and sixty-six links, to the north-east corner of section 50 aforesaid; thence west astronomically along the northern boundary of said section, thirteen chains and twenty-seven links to a post; thence south thirty-seven degrees west astronomically, thirteen chains and seventy-five links to a post; thence west astronomically three chains to the waters edge, of what is commonly known as the First River; thence south-westerly along the waters edge ten chains, more or less, to a post planted at the western point of the property hereby described; thence south twenty-eight degrees thirty-six links east astronomically, two chains seventy-six links to a post planted on the north limit of the Oliver Road; thence north-easterly along the northern limit of said road thirty chains and twenty links, more or less, to the point of commencement, containing by admeasurement twenty-six acres, be the same more or less; and whereas the said land is distant about two and one-half miles from the business portion of the said Town of Port Arthur; and whereas owing to the extensive limits of the corporation of the Town of Port Arthur, it would be highly inconvenient to be compelled to select a site for burial purposes beyond the limits of said town, and it is expedient to grant the prayer of the said petition;

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. The Riverside Cemetery Company of Port Arthur is hereby authorized and empowered to purchase the piece or parcel of land in the preamble hereto described, and to hold and dispose of the same, for the purposes of a cemetery or burying ground, under and by virtue of the said Act respecting cemetery companies.

Company
empowered to
acquire land
in Port
Arthur.

CHAPTER 83.

An Act to Incorporate the St. Catharines Club.

[Assented to 25th March, 1886.]

Preamble.

WHEREAS about eight years prior to the passing of this Act a number of the citizens of the City of St. Catharines associated themselves together for the formation of a social club in the said city, and having established the same applied for and obtained incorporation under chapter 167 of the Revised Statutes of Ontario, and the said Club has continued as so incorporated; and, whereas, doubts exist as to the application of the said Act to the said Club and as to the validity of its incorporation thereunder, and it is desirable to remove the said doubts and to grant further powers to the said Club and the members thereof; and, whereas, the persons hereinafter named, who are the President, Vice-President and members of the committee of said Club duly elected for the current year according to the existing rules of said Club, have prayed to have the said incorporation confirmed and the said doubts removed, and to have further rights and privileges granted to said Club, and it is expedient to grant the prayer of the said petition;

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

Incorporation.

1.—(1) William Ellis, Henry Albert King, Paul Harry Marshall, Samuel Montgomery, George Clark Carlisle, James Hamilton Ingersoll, Hamilton Killally Woodruff, William Boston Towers, and Henry G. Hunt, and such other persons as now are or hereafter shall become members of the said Association, shall be and are hereby declared to be a body politic and corporate in deed and in name by the name of the “St. Catharines Club,” and by that name shall have perpetual succession and a common seal, and shall have power from time to time to alter, renew or change such common seal at their pleasure, and by that name shall from time to time and at all times thereafter be able and capable to purchase, acquire, hold, possess and enjoy, and to have, take and receive to them and their successors, to and for the actual occupation of the said corporation, any lands, tenements and hereditaments, and real and immovable property and estate situate, lying and being within the City of St. Catharines, and the same to sell, alienate and dispose of whensoever the said corporation may deem it proper so to do, and by the same name shall and may sue and be sued.

Power to acquire lands.

Constitution.

(2) The constitution, rules and regulations now in force touching the admission and expulsion of members, and the management and conduct generally of the affairs and concerns of

of the said Association, in so far as they may not be inconsistent with the laws of this Province, shall be the constitution, rules and regulations of the said corporation ; provided always that the said corporation may from time to time alter, repeal and change such constitution, rules and regulations in the manner provided by the constitution, rules and regulations of the said corporation.

2. All property and effects now owned and held by the said existing Association, as heretofore incorporated, shall be vested in the Corporation hereby constituted, and shall be applied solely to the maintenance of the said corporation, and the said Association is hereby in all respects merged in the corporation hereby constituted.

Property of existing association to vest in corporation constituted by this Act.

3. No member of the corporation shall be liable for any of the debts thereof beyond a sum which shall be equal to the amount of the original entrance fee and the annual subscriptions which may remain unpaid by such member ; and members not being in arrear for entrance fee, subscription or otherwise, shall be wholly free from liability for any debt or engagement of the Club. Members of the Club not in arrear may retire therefrom in the manner provided by the constitution and rules of the Club.

Liability of members.

4. The said corporation with the assent of the members, as hereinafter provided for, may raise or borrow either upon mortgage of the real and personal property of the corporation, or by the issue of debentures, secured thereon as hereinafter provided, or by the issue of stock, or partly in one way and partly in the other or others, such sum of money as they may deem necessary, not exceeding in the aggregate the sum of \$20,000.

Borrowing Powers.

5. If stock be issued it shall be issued in shares of \$25 each, such share to be subscribed for in a book to be opened for that purpose by the committee of the said Club, and to be paid up in the manner and within the time determined by the said committee, and to bear interest at a rate to be fixed by the said committee.

Capital stock

6. If it be decided to raise or borrow the said moneys upon mortgage the said corporation are hereby authorized to execute a mortgage upon their real and personal property, or such portions thereof as they may see fit, to secure the repayment of the moneys borrowed and interest at the rate to be fixed as aforesaid in such way and manner as may have been agreed upon.

Power to mortgage.

7. If it be decided to raise the said moneys upon debentures the said corporation may pledge and mortgage the real and personal property of the corporation, or either thereof, for the repayment

Power to issue debentures.

repayment of the moneys so borrowed and the interest thereon; such debentures may be payable to the bearer, or to the order of any person, and shall pass and be transferable by delivery or indorsement thereof respectively.

Money to be
borrowed only
with consent
of members.

8 Notwithstanding anything herein contained, no money shall be raised in any way or manner until the consent of a majority of the members of the said corporation attending in person or represented by proxy at a special meeting to be called for that purpose, is first obtained, such special meeting to be called in the manner provided by the said constitution, rules and regulations for the calling of special meetings.

Application of
moneys.

9. The funds so raised shall be applied exclusively in the purchase, improvement or erection of a club house and dependencies, and in furnishing the same, or in payment of debts incurred for that or other purposes of the corporation.

Transfer of
shares.

10. The shares of the stock shall be transferable by assignment on the books of the corporation.

Ownership of
shareholders.

11. Each holder of stock duly paid up shall be a proprietor of an undivided share of the real estate of the corporation and of the buildings thereon to be erected, subject to any lien or mortgage or debenture (if any) theretofore granted or issued thereon, or to be granted under this Act.

Power to pay
off stock.

12. The said corporation may pay off so much of the said stock from time to time as the said committee may deem desirable, the share or shares to be paid off to be selected by the committee by lot or drawings.

Mode of
payment.

13. Such payment may be made by depositing in any of the chartered banks in the City of St. Catharines to the credit of the holder or holders of such share or shares the amount of the share or shares and of all dividends unpaid thereon, and depositing a notice to that effect in a letter post-paid, and deposited in the post-office at St. Catharines, addressed to the person who shall, in the books of the corporation, appear to be the owner of said shares, at the post-office address of such holder as stated in said books, and thereupon such share or shares shall *ipso facto* cease to exist.

Power to call
meeting for
winding up
company.

14. If at any time fifteen or more members of the said corporation deem it desirable to wind up the affairs of the said corporation they may call a special meeting of the members of the corporation to consider the advisability of winding up the affairs of the corporation, providing that notice of the meeting stating distinctly the object thereof be published in one or more of the daily newspapers published in the City of St. Catharines, for thirty clear days prior to the holding of the meeting, and a notice also distinctly stating the object of the
meeting

meeting be posted prepaid to the address of each member of the corporation, as shewn on the books thereof; and if a majority of three-fourths in number of the members of the corporation present in person, or represented by proxy, at the meeting resolve to wind up the affairs of the corporation, it shall be the duty of the officers of the corporation to proceed forthwith to wind up the affairs thereof, and for that purpose to sell and dispose of all the property and assets of the corporation, subject to any lien or incumbrance (if any) existing thereon, and with the proceeds thereof to pay the debts and liabilities of the corporation, and divide the surplus thereof *pro rata* amongst the members of the corporation.

CHAPTER 84.

An Act respecting the Sarnia and Florence Road Company.

[Assented to 25th March, 1886.]

WHEREAS the Sarnia and Florence Road Company has by Preamble. its petition set forth that the company was formed on the 6th December, 1862, under the provisions of chapter 49 of the Consolidated Statutes of the late Province of Upper Canada, intituled *An Act Respecting Joint Stock Companies for the construction of Roads and other works in Upper Canada*, for the purpose of constructing a road from the Town of Sarnia into the Townships of Sarnia, Moore and Enniskillen, with a subscribed capital of \$35,000, divided into seventeen hundred and fifty shares of \$20 each, of which only sixteen hundred and thirty-six shares amounting to the sum of \$32,720 were paid up and issued; that the said road was constructed at an expenditure of \$40,286; that the Municipality of the Town of Sarnia is the holder of one thousand shares of said capital stock representing \$20,000, or nearly six-tenths of the entire capital stock of said company; that negotiations are pending whereby three-tenths of the remainder of said capital stock will be acquired by or on behalf of the said Town of Sarnia; that the said company has no debenture or other indebtedness; that in order to increase the travel upon the company's road and the tolls and earnings thereof, and to save the company the expense of constructing branch or feeding roads intersecting or connecting with the company's road, the company has from time to time made grants towards the improvement and construction of such branch and feeding roads; that the said road was constructed to promote the trade of the said Town of Sarnia, and to facilitate the means of ingress and egress to and from the said town into and from

from the surrounding country through which said road passes; and whereas the said company has by its said petition also set forth that in order to still further promote the trade of said Town of Sarnia and to still further facilitate the means of ingress and egress to and from the said town into and from the Townships of Sarnia and Plympton in the County of Lambton, it is desired to construct a plank, gravel or macadamized toll road at or from a point near the northerly part of the said Town of Sarnia, leading north-easterly into the said Townships of Sarnia and Plympton; that the estimated cost of such proposed road will not exceed the sum of \$20,000; that by reason of the location of the company's present road, an extension thereof is not practicable except at great cost; and whereas the said company has petitioned that an Act may be passed authorizing the company to issue the debentures of the company to defray the cost of, and incidental to the construction of such proposed road, and for authority to construct the same, and to have it declared that the said company shall hereafter have power to grant aid to branch or feeding roads intersecting or connecting with the company's present road, or the road power to construct which is asked for; and whereas it is expedient to grant the prayer of the said petition;

Therefore Her Majesty by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

Issue of debentures.

1. The directors of the said the Sarnia and Florence Road Company, after the sanction of the shareholders thereof shall have been first obtained in the manner provided by section 5 of this Act, shall have power to issue debentures upon the credit of the company, signed by the president and countersigned by the treasurer of the said company, to an amount not exceeding in the whole the sum of \$20,000, bearing interest at such rates, with coupons for such interest attached thereto, and payable at such times as the directors of the company may think proper, which debentures may be sold on such terms as the said directors think fit.

Application of proceeds of debentures.

2. The moneys derived from the sale of said debentures shall be used exclusively for the building and construction of the road in section 4 of this Act mentioned, and for no other purpose.

Debentures to be a first charge on property.

3. Such debentures shall be taken and considered and shall be first and preferential claims and charges upon the entire property of the company, including the road hereby authorized to be constructed, and each holder of said debentures shall be deemed to be a mortgagee and incumbrancer *pro rata* with all the other holders thereof upon the property of the company, as aforesaid; all such debentures and coupons may be made payable to bearer and transferable by delivery, and any holder of any such debenture so made payable to bearer may sue at law thereon in his own name.

4. The directors of the said company, after the sanction of the shareholders thereof shall have been first obtained in the manner provided in the next section, shall have power to construct a plank, gravel or macadamized toll road leading north-easterly into the townships of Sarnia and Plympton, in the County of Lambton, from a point at or near the northerly part of the said Town of Sarnia.

Construction of branch road authorized.

5. Provided always, and it is hereby declared that the directors of said company shall not issue the said debentures, nor construct the said road, unless and until a by-law of the said company shall be duly passed and sanctioned at a special meeting of the shareholders of the company convened for that purpose, authorizing the issue of said debentures and the construction of said road ; provided further, that said by-law shall not have any force or effect unless shareholders representing at least nine-tenths of the capital stock of said company shall vote in favour of the passing thereof.

Sanction of shareholders to be obtained for issue of debentures and construction of branch road.

6. The said road shall be constructed under the provisions of *The General Road Companies' Act*, and all the powers, rights and privileges, now vested in or belonging to said company under the said Act or any other Act shall, so far as the purchasing and acquiring of lands for the right of way for said road and otherwise, apply and belong to said company in the building, constructing and operating said road, as fully to all intents and purposes as if the said road, hereby authorized to be constructed, formed part of or were an extension of the Road for the construction of which said company was originally formed.

R. S. O. c. 152, to apply to branch road.

7. The liabilities of the said company shall not in any way be lessened or changed by the passing of this Act, but shall continue the same as if this Act had not been passed.

Liability of company not affected.

8. The said company shall have power and authority to grant aid to such branch or feeding roads as now, or shall hereafter, intersect or connect with the company's present road, or the road which this Act authorizes to be constructed, and all payments heretofore made by way of aid to branch or feeding roads as aforesaid are hereby declared to have been legally and validly made.

Company empowered to aid branch roads.

CHAPTER 85.

An Act to Incorporate the South Essex Gun Club.

[Assented to 25th March, 1886.]

Preamble.

WHEREAS, Albert Chatfield, Peter Lamarsh, William I. Price, Arthur Wilkinson, Everett B. Wigle, Edwin G. Rykert, Edmund C. Senkler, Frederick St. John, Hamilton K. Woodruff, James Hamilton Ingersoll, William Ellis, and Philip I. Price have by petition represented that Albert Chatfield, Peter Lamarsh, William I. Price, Arthur Wilkinson, Everett B. Wigle, Edwin G. Rykert, and Edmund C. Senkler, have leased from the Government of the Dominion of Canada a tract of land at or near Point Pelee, in the County of Essex, and that they desire to promote hunting and fishing, and otherwise to manage and make the said land available for the purposes of the company incorporated by this Act, and that they can do so to better advantage by the aid of an Act to that end, and have prayed for the passing of an Act accordingly, and it is expedient to grant the prayer of the said petition;

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

Interpretation.

1. The expression “the company” shall mean the company hereby incorporated whenever used in this Act or in the by-laws of the company hereby incorporated; the word “shareholders” shall mean every subscriber to or holder of stock in the company, and shall extend to and include the personal representatives of the shareholders; and the words “life right member” shall mean the holder of any right to hunt, shoot or fish upon any part of the company’s property for life or any less term.

Incorporation.

2. Albert Chatfield, Peter Lamarsh, William I. Price, Arthur Wilkinson, Everett B. Wigle, Edwin G. Rykert, Edmund C. Senkler, Frederick St. John, Hamilton K. Woodruff, James Hamilton Ingersoll, William Ellis, and Philip I. Price, together with all such other persons as shall become shareholders in the Company hereby constituted shall be and they are hereby made a body corporate and politic, by the name of the “South Essex Gun Club.”

Power to acquire and to lease or sell lands.

3.—(1) The company may acquire and take from the said Albert Chatfield, Peter Lamarsh, William I. Price, Arthur Wilkinson, Everett B. Wigle, Edwin G. Rykert, and Edmund C. Senkler, an assignment of the said lease from the Government of the Dominion of Canada, and may also acquire and take from the Government of the Dominion of Canada, upon such terms

terms as may be agreed upon between the said company and the Minister of the Interior, representing the said Government of the Dominion of Canada, such portion or portions of the property known as the Naval Reserve, belonging to the said Government, situate at Point Pelee in the County of Essex, in the Province of Ontario, as may have been, or may hereafter be agreed upon between the said company and the said Government.

(2) The company may also from time to time lease or purchase, acquire and hold in fee simple, from the respective owners thereof, any property, lands, marshes, marsh lands and lands covered with water or rights, privileges or interests therein or thereto, being any part of the said Naval Reserve occupied by squatters whose claims have been heretofore recognised by the Government of the Dominion of Canada, or any part or parts of the land in the said county, lying adjacent to the said Naval Reserve, not exceeding in extent three thousand acres, and the said property, lands, marshes, marsh lands, and lands covered with water in this section mentioned, or any part thereof, at any time may lease or sell or convey in fee simple, on such terms as the company may see fit.

4. The company may carry on the business of pursuing breeding, protecting and granting licenses to take game, muskrats, mink, otter, beaver and fish upon the said property, lands, marshes, marsh lands, and lands covered with water, and upon any property, lands, marshes, marsh lands, and lands covered with water which the company may at any time acquire, or in or on the water covering the same, and generally the doing of such other acts or things with the said lands and property, or with any mineral substance or thing grown, or to be grown, found, or being in or upon the same, as may promote the interests of the company, and not being contrary to the laws of this Province. Business of the company.

5. The capital stock of the company shall be \$60,000, divided into sixty shares of \$1,000 each. Capital stock.

6. The capital stock shall be paid by the shareholders when, and as the directors of the company shall require, or as the by-laws may provide, and in case any instalment shall remain unpaid after demand and reasonable notice, as the by-laws prescribe, and within the time limited by such notice, the directors may by resolution, reciting the facts and duly recorded in their records, summarily forfeit any shares whenever such payment is not made, and the same shall thereupon become the property of the company, and may be disposed of as the by-laws of the company provide. Calls.

7. The stock of the company shall be deemed personal estate and be assignable in such manner only, and subject to such conditions and restrictions as the by-laws prescribe, but no share Stock to be personalty— Restrictions as to assignment.

share shall be assignable until all instalments called for have been paid, unless it has been declared forfeited for non-payment.

Votes.

8. At all meetings of the company every shareholder not in arrear in respect to any instalment called for shall be entitled to as many votes as he holds shares in the stock of the company, and no shareholder being in arrear shall be entitled to vote, and all votes may be given in person or by proxy.

Provisional directors.

9. The said Albert Chatfield, Peter Lamarsh, William I. Price, Arthur Wilkinson, Everett B. Wigle, Edwin G. Rykert, Edmund C. Senkler, Frederick St. John, Hamilton K. Woodruff, James Hamilton Ingersoll, William Ellis and Philip I. Price shall be directors of the Company until replaced by others duly elected in their stead.

Board of directors.

10. The affairs of the company shall be administered by a board of not less than three nor more than seven directors, being severally holders of at least three shares of stock ; the after directors shall be elected at the first general meeting (of which each shareholder shall have ten days' notice by registered letter mailed to his address), and thereafter at each annual meeting of the company, to hold office until their successors are elected, and who (if otherwise qualified) may always be re-elected; and three members of the said board, present in person, shall be a quorum thereof, and in the case of the death, resignation, removal or disqualification of any director the vacancy may be filled by the Board of Directors if they see fit until the next annual meeting of the shareholders, by appointing any qualified shareholder thereto, but a failure to elect directors or any failure of directors shall not dissolve the corporation, and an election may be had at any general meeting of the company called for the purpose, as the by-laws of the company shall regulate ; elections of directors shall be by ballot.

Company not dissolved by failure to elect directors.**Powers of directors.**

11. The Board of Directors shall from time to time elect from amongst themselves a President, and may appoint either from amongst themselves, or otherwise, a secretary-treasurer of the company, and shall have full power in all things to administer the affairs of the company, and may make, or cause to be made, any purchase or any description of contract which the company may by law make, but in no instance to exceed \$100 beyond what has been authorized by the shareholders; to adopt a common seal ; to make from time to time any and all by-laws (not contrary to law or to the votes of the shareholders) regulating the calling in of instalments on stock and payment thereof ; the forfeiture of shares for non-payment ; the disposal of forfeited shares and the proceeds thereof ; the transfer of shares ; the declaration and payment of dividends ; the appointment, functions, duties, and removal of all agents, officers and employees of the company, the security to be given
by

by them to the company; their remuneration; the time and place for holding the general, annual and other meetings of the company and of the Board of Directors; the requirements as to proxies; the procedure in all things at such meetings; the site of their chief place of business, and of any other offices which they may require to have; the times and periods during which the shareholders and life right members may hunt, shoot and fish, and the manners, places, rules and methods to be observed in doing the same, with power to impose, fix, and collect from any shareholder or life right member by action in any court of competent jurisdiction, in the name and for the benefit of the company, a penalty, or penalties, in money for any and all breaches of a by-law, or by-laws, lawfully made by the company; the imposition and recovery of all reasonable penalties and forfeitures admitting of regulation by by-law, and the conduct in all other particulars of the affairs of the company: but every such by-law and every repeal and re-enactment thereof shall have force only until the next annual meeting of the company, unless confirmed at some general meeting of the company, and every copy of any by-law, under the seal of the company, and purporting to be signed by any officer of the company, shall be received in all courts of law as *prima facie* evidence of such by-law.

12. The company shall not be bound to see to the execution of any trusts, whether express, implied or constructive, in respect of any shares, and the receipt of the person in whose name the same shall stand in the books of the company shall be a discharge to the company for any dividend or money payable in respect of such shares, whether or not notice of such trust shall have been given to the company, and the company shall not be bound to see to the application of the money paid upon such receipts.

Company not bound to see to execution of trusts.

13. The shareholders of the company shall not as such be held responsible for any act, default or liability whatsoever of the company, or for any engagement, claim, payment, loss, injury, transaction, matter or thing whatsoever relating to or connected with the company, beyond their shares in the stock thereof.

Liability of shareholder limited.

14. All contracts, promissory notes, bills of exchange and engagements made on behalf of the company by the directors, officers, agents or servants of the company in accordance with their powers, under the by-laws or by vote of the company, shall be binding upon the company, and in no case need the seal of the company be affixed thereto, nor shall such directors, officers, agents or servants thereby become individually liable to any third party therefor, but the said company shall issue no bank note, or note to circulate as money.

Execution of contracts, notes, etc.

15. The company may commence operations upon the passing of this Act.

Commencing operations.

Company to
observe game
laws.

16. Notwithstanding anything in this Act contained, the said company shall not pursue and take game or fish during the close season, as fixed from time to time by the laws and regulations of this Province, or of any other lawful authority in that behalf.

Rights of
squatters.

17. Provided further that notwithstanding anything to the contrary in this Act contained (the petitioners for this Act consenting hereto) all squatters named on the map or plan annexed to the said lease from the Government of the Dominion of Canada, and in whom certain rights to holdings of portions of the said reserve have been recognised by the Dominion Government, shall, so far as the said company or the present or future owners of the said lease are concerned, but so far only as they have power to confer or consent to such rights, have the right and liberty at all times with their families of crossing and taking their boats and nets across the lands west of their holdings in order to reach the lake on that side of the said reserve without doing unnecessary damage or otherwise interfering with the company's rights under the said lease.

CHAPTER 86.

An Act to incorporate the Toronto Fire Insurance Company.

[Assented to 25th March, 1886.]

Preamble

WHEREAS John Burns, William Galbraith, Donald C. Ridout, Edward Galley, and James D. Edgar, have, by their petition, prayed for an Act to incorporate them and others, under the style and title of "The Toronto Fire Insurance Company," for the purpose of insuring property against loss or damage by fire within the Province of Ontario; and whereas it is expedient to grant the prayer of the said petition;

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

Incorporation.

1. The said persons in the preamble mentioned and all other persons who shall hereafter become stockholders of the said company, shall be and are hereby constituted a body corporate and politic by the name of "The Toronto Fire Insurance Company," and by that name shall have perpetual succession and a common seal, with all other powers incident to and necessary for the purposes hereinafter declared.

Capital stock.

2. The capital stock of the said company shall be divided into five thousand shares of \$100 each, and books of subscription

tion shall be opened for the said stock in the City of Toronto, under such regulations as the majority of the directors hereby appointed shall direct; provided always, that it shall and may be lawful for the said corporation to increase its capital stock to a sum not exceeding \$1,000,000, as a majority of the stockholders, at a meeting specially convened for that purpose, shall agree upon.

3. Any person may subscribe for such and so many shares as he may think fit, and twenty per centum thereof may be called for by the directors as soon as they deem it expedient, and the remainder may be called for in such instalments as a majority of the directors may determine upon, but such instalments shall not be called for or become payable in less than thirty days after public notice shall be given in the *Ontario Gazette*, and in at least one newspaper published in the City of Toronto and by circular addressed to each stockholder at his last known residence; if any stockholder aforesaid shall refuse or neglect to pay to the said directors the instalment due upon any share or shares held by him at the time required so to do, such stockholder or stockholders, as aforesaid, shall forfeit such share or shares as aforesaid, together with the amount previously paid thereon, at the option of the directors and such forfeited share or shares may be sold by the directors after such notice to the holder thereof as they may direct, and the moneys arising therefrom shall be applied for the purposes of the said company: provided always, that in case the money produced by any sale of shares be more than sufficient to pay all arrears of interest with the costs and expenses of such sale, the surplus money shall be paid on demand to the owner, and no more shares shall be sold than shall be deemed necessary to pay all such arrears, interest and expenses: provided, however, that nothing herein contained shall prevent the directors of the said company from enforcing the payment of any calls. If payment of such arrears of calls, interest, costs and expenses, be made before any share or shares so forfeited and vested in the company shall have been sold, such share or shares shall revert to the person or persons to whom the same belonged before such forfeiture, as if such calls had been duly met.

Subscription
for stock and
calls.

Proviso.

Proviso.

4. The said company shall have power and authority to make and effect any contract or contracts of insurance with any person or persons, body corporate or politic, against loss or damage by fire on any house, store, building, ship, boat, shipping, or vessels whatsoever, or on any goods, chattels or personal estate whatever under such modifications and restrictions as may be bargained or agreed upon or set forth, and to cause themselves to be reinsured against any risk or loss they may have incurred in the course of their business, and generally to do and perform all the necessary matters and things connected with and proper to promote those objects; provided always,

Powers of
company.

always, that all risks insured against shall be within the Province of Ontario.

Powers
respecting
land and in-
vestment
of funds.

5. The said corporation shall be in law capable of acquiring by purchase, lease or otherwise, and of holding absolutely any lands or tenements for their actual use and occupation in the course of their business, and may sell, lease, convey, transfer and dispose of the same as to them shall seem expedient; provided always, that nothing in this Act shall be considered as permission to hold permanently any real estate beyond the annual value of \$10,000; and the said corporation may also hold such real estate as shall have been *bona fide* mortgaged to them by way of security, or conveyed to them in satisfaction of debts or judgments which shall have been obtained for such debts; and it shall be lawful for the said corporation to purchase and hold, for the purpose of investing therein any part of their funds or money, Public securities of the Dominion of Canada or of any of the Provinces of the said Dominion, and the bonds of and debentures of any of the Municipal Corporations of the Province of Ontario, and also to sell and transfer the same, and again to renew such investments when and so often as a due regard to the interests of said corporation may require, and also to make loans of the funds of the corporation on mortgages on real estate in the Province of Ontario at any legal rate of interest, with power to receive such interest in advance or otherwise, and the same investments to call in and re-loan as occasion may require.

Dividends to
policy holders.

6. It shall be lawful for the directors to return to the holders of the policies or other instruments such part or parts of the actual realised profits of the company, in such parts, shares and proportions and at such times and in such manner as the said directors may deem advisable; and to enter into obligations so to do either by endorsements on the policies or otherwise; provided always, that such holders of policies or other instruments shall not be held to be in any wise answerable for the debts or losses of the company, beyond the amount of the premium or premiums which may have been actually paid up by him or them.

Proviso.

Board of
directors.

7. The property, business and affairs of the company shall be managed by a board of not less than five nor more than seven directors, which board in the first instance and until other directors shall be chosen and appointed as hereafter provided, shall consist of the persons mentioned in the preamble of this Act.

First election
of directors.

8. So soon, as at least \$200,000 of the capital stock of the said company shall have been subscribed for and taken up, and ten per centum thereof shall have been paid into some one or more of the chartered banks in the Province of Ontario to the credit of the company, it shall and may be lawful for the shareholders

holders to proceed to the election of directors, by ballot, at such time and place as the directors hereby appointed shall appoint, giving at least ten days' notice in some daily newspaper published in the City of Toronto; and a further notice by registered letter duly addressed to each shareholder, at least ten days previous to such meeting; and the said directors shall be elected by a majority of the votes of the stockholders then present or represented at such meeting, and shall hold office until the first annual meeting of the company shall take place; and they and all subsequently elected directors shall also be at the time of their election respectively, and during their continuance in office, stockholders to the amount of not less than twenty shares of the stock of the company on which all calls due have been paid, and shall have power to choose from among themselves a President and Vice-President; and until \$200,000 of stock shall have been subscribed, and not less than twenty per centum paid thereon, and directors elected under this clause, the said company shall not take any risk or do any business of an insurance company.

9. The after directors of the company shall be elected by the shareholders, in general meeting of the company assembled, at such times, in such manner, and for such term, not exceeding two years as the by-laws of the company may prescribe.

Subsequent
elections of
directors.

10. In default of other express provisions in such behalf by the by-laws of the company :

Provisions
respecting
elections of
directors.

1. Such election shall take place yearly, all the members of the board retiring, and if otherwise qualified, being eligible for re-election;

2. Notice of the time and place for holding all general meetings of the company shall be given at least ten days previously thereto in some daily newspaper published in the City of Toronto, where the principal office of the company shall be; and also either by publishing the same in the *Ontario Gazette*, or by mailing the same as a registered letter duly addressed to each shareholder, at least ten days previous to such meeting;

3. At all general meetings of the company every shareholder shall be entitled to as many votes as he owns shares in the company, and may vote by proxy, and elections of directors shall be by ballot;

4. Vacancies occurring in the board of directors may be filled for the unexpired remainder of the term by the Board from among the qualified shareholders of the company.

11. If at any time an election of directors is not made or does not take effect at the proper time, the company shall not be held to be thereby dissolved; but the election may take place at any general meeting of the company duly called for

Company not
dissolved by
failure to elect
directors.

that purpose, and the retiring directors shall continue in office until their successors are elected.

Statement of
affairs to be
made at
annual meet-
ing.

12. At the annual general meeting of the company and before the shareholders then assembled, the board of directors shall exhibit a full and unreserved statement of the affairs of the company, of the funds, property, and securities, shewing the amount in real estate and mortgages, and other securities, or in public debt or other stock, and the amount of debt due to and by the said company.

Power of
Directors.

13. The directors of the company shall have full power in all things to administer the affairs of the company, and may make or cause to be made for the company any description of contract which the company may by law enter into.

By-laws.

14. The directors may, from time to time, make by-laws not contrary to law, nor to this Act, to regulate ;

- (a) The allotment of stock, the making of calls thereon, the payment thereof, the issue and registration of payments of stock, the forfeiture of stock for non-payment, the disposal of forfeited stock and the proceeds thereof, the transfer of stock ;
- (b) The declaration and payment of dividends ;
- (c) The appointment, functions, duties and removal of all agents, officers and servants of the company, the security to be given by them to the company, their remuneration and that of the directors ;
- (d) The time at which and place where the annual meetings of the company shall be held ;
- (e) The calling of meetings, regular and special, of the board of directors, and of the company, the quorum, the requirements as to proxies, and the procedure in all things at such meetings ;
- (f) The imposition and recovery of all penalties and forfeitures admitting of regulation by by-law ;
- (g) The rates and amounts of insurance, the issuing of policies and the conduct in all other particulars of the affairs of the company ;

And may from time to time repeal, amend or re-enact the same ; but every such by-law, and every repeal, amendment or re-enactment thereof, unless in the meantime confirmed at the general meeting of the company duly called for that purpose, shall only have force until the next annual meeting of the company, and in default of confirmation thereat shall, at and from that time only, cease to have force.

15. A copy of any by-law of the company under its seal and purporting to be signed by any officer of the company shall be received as *prima facie* evidence of such by-law in all Courts in this Province. Evidence of by-laws.

16. One-fourth part in value of the shareholders of the company shall at all times have the right to call a special meeting thereof, for the transaction of any business specified in a written requisition to the board. Power to call special meetings.

17. The stock of the company shall be deemed personal estate, and shall be transferable in such manner only, and subject to all such conditions and restrictions as by this Act, or by the by-laws of the company may be prescribed; and the stock shall be allotted when and as the directors by by-law or otherwise may ordain. Stock to be personal estate.

18. The directors for the time being shall receive a reasonable compensation for their attendance at the board, to be paid out of the funds of the company, and to be ascertained and determined by a by-law of the board; and the said directors shall not be answerable for or chargeable with the defaults, neglect, or misdeeds of others of them. Fees to directors.

19. All policies, deeds, cheques, mortgages, leases, bonds and other instruments, issued or entered into by the said company, shall be signed by the President, Vice-President, or Managing Director, and countersigned by the Secretary or other officer of the company as may be by said directors from time to time, ordered and agreed upon by by-law of the company, or resolution of the Board of Directors, and being so signed and countersigned shall be held to be binding upon the company according to the tenor and meaning thereof. Execution of policies and other instruments.

20. The directors of the company may call in and demand from the shareholders thereof respectively, all sums of money by them subscribed at such time and place and in such payments or instalments as this Act may require or allow; and interest shall accrue and fall due at the legal rate for the time being upon the amount of any unpaid call, from the day appointed for payment of such call. Calling in instalments.

21. The company may enforce payment of calls and interest thereon by action in any court of competent jurisdiction, and in such action it shall not be necessary to set forth the special matter, but it shall be sufficient to declare that the defendant is a holder of one share or more, stating the number of shares, and is indebted in the sum of money to which the calls in arrear amount, in respect of one call or more upon one share or more, stating the number of calls and the amount of each whereby an action has accrued to the company under this Act; and Enforcing payment of calls.

and a certificate under the seal and purporting to be signed by any officer of the company to the effect that the defendant is a shareholder, that such call or calls has or have been made, and that so much is due by him and unpaid thereon, shall be received in all Courts as *prima facie* evidence to that effect.

Restriction on transfers.

22. No share shall be transferable until all previous calls thereon have been fully paid in or until declared forfeited for non-payment of calls thereon; and no shareholder being in arrear in respect of any call shall be entitled to vote at any meeting of the company.

Company not to be liable in respect of trusts.

23. The company shall not be bound to see to the execution of any trust, whether express, implied or constructive, in respect of any share; and the receipt of the stockholder, his attorney, or agent, in whose name the same may stand in the books of the company, shall be a valid and binding discharge to the company for any dividend or money payable in respect of such share, and whether or not notice of such trust has been given to the company, and the company shall not be bound to see to the application of the money paid upon such trust.

Liability of shareholders.

24. Each shareholder, until the whole amount of his stock has been paid up, shall be individually liable to the creditors of the company to an amount equal to that not paid up thereon, but shall not be liable to an action therefor by any creditor before execution against the company has been returned unsatisfied in whole or in part, and the amount due on such execution shall be the amount recoverable, with costs against such shareholders.

Liability limited.

25. The shareholders of the company shall not as such be held responsible for any act, default or liability whatsoever of the company, or for any engagement, claim, payment, loss, injury, transaction, matter, or thing whatsoever, relating to or connected with the company beyond the amount of their respective shares in the capital stock thereof.

Trustees, etc., not personally liable.

26. No person holding stock in the company as an executor, administrator, guardian, or trustee, shall be personally subject to liability as a shareholder, but the estates and funds in the hands of such person shall be liable in like manner and to the same extent as the testator, or intestate, or the minor, ward, and disqualified person, or the person interested in such trust fund would be, if living and competent to act, and holding such stock in his own name; and no person holding such stock as collateral security shall be personally subject to such liability; but the person pledging such stock shall be considered as holding the same and shall be liable as a shareholder accordingly.

27. Every such executor, administrator, guardian, or trustee, shall represent the stock in his hands at all meetings of the company and may vote accordingly as a shareholder; and every person who pledges his stock may nevertheless represent the same at all such meetings and may vote accordingly as a shareholder.

Trustee may vote.

28. No dividend shall be paid out of stock, nor except from the genuine net profits of the company, its business and investments.

Dividends to be paid from profits only.

29. If the directors of the company declare and pay any dividend when the company is insolvent, or any dividend, the payment of which renders the company insolvent, or diminishes the capital stock thereof, they shall be jointly and severally liable, as well to the company as to the individual shareholders and creditors thereof, for all the debts of the company then existing, and for all thereafter contracted during their continuance in office respectively; but if any director present when such dividend is declared, forthwith, or if any director then absent, within twenty-four hours after he has become aware thereof, and able so to do, enters on the minutes of the Board of Directors his protest against the same, and within eight days thereafter causes such protest to be published in at least one newspaper published in the city of Toronto, or as near as may be possible to the place where the office or chief place of business of the company is, then such director may thereby, and not otherwise, exonerate himself from such liability.

Liability of directors declaring a dividend improperly.

30. Any description of action may be prosecuted and maintained between the company and any shareholder thereof.

Actions between Company and shareholders.

31. If any insurance shall be and subsist in the said company, and in any other office, or from and by another person or persons at the same time, the insurance made in and by the said company shall be deemed and become void, unless such double insurance subsist with the consent of the directors, signified by endorsement on the policy, signed by the President, Secretary or otherwise, as directed by the by-laws and regulations of the company.

Double insurance.

32. The company shall cause a book or books to be kept by the Secretary, or by some other officer specially charged with that duty, wherein shall be kept recorded the names, alphabetically arranged, of all persons who are or have been shareholders, the address and calling of every such person while such shareholder, the number of shares of stock held by each shareholder, the amounts paid in and remaining unpaid respectively on the stock of each shareholder, all transfers of stock in their order as presented to the company for entry, with the date and other particulars of each transfer, and the date of the entry thereof, and the names, addresses and calling of all persons who are or have

Record books to be kept and what to contain.

have been directors of the company, with the several dates at which each person became or ceased to be such a director.

Refusal to
enter transfer
if calls not
paid.

33. The directors may refuse to allow the entry in any such book of any transfer of stock whereof the whole amount has not been paid in, and no transfer of stock shall be valid for any purpose whatever, save only as exhibiting the rights of the parties thereto towards each other, and as rendering the transferee liable *ad interim* jointly and severally with the transferor, to the company and their creditors, until entry thereof has been duly made in such book or books.

When Act
forfeited for
non-user.

34. This Act shall in no wise be forfeited for non-user at any time before the first day of January 1890.

Application
of general
enactments as
to fire insur-
ance com-
panies.

35. The company shall be subject to all general laws which have been or may hereafter be enacted by the Legislature of Ontario, in reference to companies carrying on the business of fire insurance.

CHAPTER 87.

An Act to Incorporate The Nicholls' Hospital Trust.

[Assented to 25th March, 1886.]

Preamble.

WHEREAS Charlotte Jane Nicholls, widow of the late Robert Nicholls, in his lifetime of the Town of Peterborough, in the County of Peterborough, merchant, has offered to give to the said Town of Peterborough, for a memorial of her said late husband, certain premises known as "Moirs Hall," situate in the Township of North Monaghan, in the said County of Peterborough, for the purpose of a Hospital, together with an endowment of \$15,000 for the benefit of the Protestant population of the said Town of Peterborough, on condition that the same should be maintained by a special tax imposed on all ratepayers of the said town who are not Roman Catholics, and on the further condition that the management of the said hospital should be exclusively in the hands of members of the different Protestant denominations, and further, that the Village of Ashburnham should be admitted to the benefits of the hospital upon agreeing to contribute its just proportion of the expense of maintaining the said hospital, and further, that the said hospital should be called and known by the name of "The Nicholls' Hospital," and further, that she should have the right to nominate the first trustees for the management of the said hospital; and whereas the said Town of Peterborough,

Peterborough, by the council thereof, have agreed to accept the gift of the said hospital upon the conditions aforesaid; and whereas the said Charlotte Jane Nicholls has nominated as the first trustees for the management of the said hospital, the following persons, namely:—Richard Hall, of the said Town of Peterborough, merchant; Robert S. Davidson, of the said Town of Peterborough, retired merchant; William Manson, of the said Town of Peterborough, bank manager; John McClelland, of the said Town of Peterborough, merchant; George Albertus Cox, of the said Town of Peterborough, Esquire; Joseph Flavelle, of the said Town of Peterborough, merchant; James Stratton, of the said Town of Peterborough, collector of customs, and Alfred Passmore Poussette, of the said Town of Peterborough, one of Her Majesty's counsel learned in the law; and whereas in the nomination of the said trustees, the said Charlotte Jane Nicholls has selected them as representing the different Protestant congregations in the said Town of Peterborough, that is to say, the said Richard Hall and Robert S. Davidson as representing St. Paul's Presbyterian Church, the said William Manson and John McClelland as representing St. Andrew's Presbyterian Church, the said George Albertus Cox as representing the Charlotte Street Methodist Church, the said Joseph Flavelle, as representing the George Street Methodist Church, the said James Stratton as representing the Murray Street Baptist Church, and the said Alfred Passmore Poussette as representing St. John's Church (Church of England), it being her desire and intention that there should be a perpetual succession of trustees representing the said several congregations respectively, and representing such other Protestant congregations as may, from time to time, arise in the said Town of Peterborough or the said Village of Ashburnham: and whereas the said several persons have presented their petition setting forth the facts stated in the foregoing preamble, and praying that they may be incorporated under the name of "The Nicholls' Hospital Trust," and it is expedient to grant the prayer of their petition;

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. The said Richard Hall, Robert S. Davidson, William Manson, John McClelland, George Albertus Cox, Joseph Flavelle, James Stratton and Alfred Passmore Poussette and their successors, and such other persons as shall be appointed trustees as hereinafter provided, shall be and they are hereby constituted a body corporate and politic by and under the name and style of "The Nicholls' Hospital Trust," and by that name, they and their successors and such other persons as shall be appointed trustees as hereinafter provided, shall be capable of suing and being sued, of contracting and being contracted with, and shall have perpetual succession and a common seal.

Incorporation
of the Nicholls
Hospital
Trust.

Board of
Trustees.

2. The said trust shall consist of a board of trustees, all of whom shall be ratepayers of the said Town of Peterborough and Village of Ashburnham respectively, chosen from the congregations of the different Protestant churches at present existing in the said Town of Peterborough, and of such Protestant churches as shall hereafter come into existence in the said town, and when the Village of Ashburnham shall be admitted to the benefits of the hospital hereinafter mentioned, then from the congregations of the different Protestant churches at that time existing in the said Village of Ashburnham, and of such Protestant churches as shall thereafter come into existence in the said Village, two trustees being chosen from the congregation of St. Paul's Presbyterian Church, two trustees from the congregation of St. Andrew's Presbyterian Church, one trustee from the congregation of the Charlotte Street Methodist Church, one trustee from the congregation of the George Street Methodist Church, one trustee from the congregation of the Murray Street Baptist Church, one trustee from the congregation of St. John's Church (Church of England), and one trustee from the congregation of each Protestant Church that shall hereafter come into existence in the said Town of Peterborough, and one trustee from the congregation of each Protestant Church existing in the Village of Ashburnham, when said village shall be admitted to the benefits of the said hospital, and which shall thereafter come into existence in the said village, and the Mayor of the said town, and the Reeve of said village (when said village is admitted to the benefits of the said hospital) shall be *ex-officio* members of the said Board, provided said Mayor or Reeve is not a Roman Catholic, and in that case the Council of the said town or the said village shall appoint one of its number, not being a Roman Catholic, to represent it at the said Board, it being the true intent and meaning of this section, that each of the congregations at present existing in the said Town of Peterborough, and the Councils of the said Town of Peterborough, and said Village of Ashburnham (when said village shall be admitted to the benefits of the said hospital) shall be perpetually represented as hereinbefore set forth, and that all other congregations of Protestant churches, whether in the said town or the said village, shall each be represented by one trustee only.

First Board of
Trustees.

3. The said Richard Hall, Robert S. Davidson, William Manson, John McClelland, George Albertus Cox, Joseph Flavell, James Stratton, Alfred Passmore Pousette, and James Stevenson as Mayor of the said Town of Peterborough, shall be and they are hereby constituted the first Board of Trustees of the said trust, the said Richard Hall being the chairman and the said Alfred Passmore Pousette being the honorary secretary thereof.

4. The officers of the said trust shall consist of a chairman Officers. and honorary secretary, to be chosen annually from the trustees, and of a treasurer to be appointed by the Board in such manner as they shall by their by-laws determine, who, before entering upon his duties, shall give such security for the due performance of his duties, as the Board may require.

5. When any vacancy in the Board shall occur by reason Mode of filling vacancies in Board. of any trustee dying or resigning, or becoming incapable of acting, or disqualified by reason of his ceasing to be a member of the congregation which he represents, or when the appointment of a trustee shall, for any other reason, become necessary, it shall be the duty of the honorary secretary to forthwith notify the minister or secretary of the congregation to be represented by the trustee to be appointed, and such minister or secretary shall as soon thereafter as convenient, call a meeting of his congregation in the manner in which it is usual to call congregational meetings according to the ordinances of his church, for the purpose of appointing a trustee to represent his congregation, and such trustee shall be appointed by the majority of the members of the said congregation present at the said meeting, and the said minister or secretary shall thereupon certify such appointment to the honorary secretary.

6. Each trustee shall retire from the Board at the close of Retirement of Trustees. the third annual meeting after his appointment, but any trustee appointed in succession to another trustee, shall only retain office until the expiration of the term for which his predecessor had been appointed, and any trustee retiring as aforesaid shall be eligible for re-appointment, but this section shall not apply to the said Mayor or Reeve or representatives of either of the said councils.

7. Notwithstanding anything in the next preceding section Retirement of First Trustees. contained, the first board of trustees, except the said Mayor or Reeve or other representative of the said Councils shall retire in the following rotation, namely:—The said Robert Stewart Davidson, William Manson, and George Albertus Cox, at the close of the first annual meeting; the said John McClelland, Joseph Flavelle, and James Stratton, at the close of the second annual meeting, and the said Richard Hall and Alfred Passmore Pousette at the close of the third annual meeting; but they shall all be eligible for re-appointment, and they or their successors shall each thereafter retain office for the period fixed by the preceding section of this Act, and hereafter when any additional trustee shall be appointed, the Board shall, by resolution, fix his first term of office so that the trustees shall, from time to time, retire from office by a regular rotation.

8. On the third Monday in January in each year, or such Annual meeting of trustees. other day as may be fixed by by-law, there shall be a meeting of

of the Board of Trustees for the purpose of electing a chairman and honorary secretary and transacting such other business as shall, under the by-laws of the trust, devolve upon such meeting; and at such meeting, five members of the Board or such greater number as shall be fixed by the by-laws of the trust, shall form a quorum.

Power to make
by-laws.

9. The said board of trustees may, at any meeting thereof for the purpose, at which meeting five members, or such greater number as shall be fixed by the by-laws of the trust, shall form a quorum, may make such proper rules and by-laws for the government of the same as the majority of the members present at such meeting deem expedient, so as such rules and by-laws are not repugnant to the provisions of this Act.

Special meet-
ings.

10. The chairman of the said board of trustees may at any time call a meeting of the said board, and notice thereof shall be given by letter or circular, mailed at Peterborough, not less than two days previous to the day appointed for such meeting.

Investment of
endowment.

11. It shall be lawful for the said board of trustees to invest the present or any future endowment fund of the said trust in debentures of any loan company, mortgages of real estate, or municipal debentures or partly in one and partly in another.

Power to hold
land for hos-
pital.

12. The said trust may take and hold the land and premises intended to be conveyed to it by the said Charlotte Jane Nicholls, and the hospital erected thereon and founded and endowed by her, shall be known as "The Nicholls Hospital."

Endowment
not to be im-
paired.

13. The present or any future endowment fund shall not be diminished for any purpose whatever.

Authority to
levy special
rate for sup-
port of hos-
pital.

14. It shall be lawful for the council of the Town of Peterborough, and they are hereby required to levy a special rate in each and every year upon such of the ratepayers of the said town as are not Roman Catholics, for the purpose of defraying the expense of maintaining the said hospital, over and above the income which shall be received by the trust from its endowment fund or other source, and of providing for any and all sums of money or aid granted by said Council to said hospital, or to the trustees thereof, or to the corporate body hereby created; and the special rate for the year 1886 shall include the expense of maintaining the said hospital subsequent to the resolution of council whereby the gift of the same was accepted; and it shall not be lawful for said Council to grant aid or appropriate any moneys for any of the purposes aforesaid, except under the provisions of this section.

Payments to
be made by
treasurer of
town.

15. Upon the first day of every month, the treasurer of the said town shall pay to the treasurer of the said trust, upon
the

the requisition of the chairman and honorary secretary thereof, such amount as shall have been expended for maintenance by the said trust during the previous month over and above its receipts from the endowment fund or other source; and immediately after the passing of this Act, the treasurer of the said town shall pay to the treasurer of the said trust on the requisition aforesaid, such amount as shall be due as aforesaid from the said town up to that date for the maintenance of the hospital since its opening.

16. The books of the said trust shall at all times be open to the inspection of the members of the council of the said town and the clerk and treasurer thereof, and the books of account of the said trust shall be annually audited by the auditors of the said town.

Inspection of books of account.

17. It shall be lawful for the council of the said town, or of the said village (when the same shall be admitted to the benefits of the said hospital) at any time or times, to pass a by-law or by-laws for the purpose of granting a sum or sums of money for the enlargement or permanent improvement of the said hospital, and for making proper approaches thereto, notwithstanding the fact that the said hospital is without the limits of the corporation of the said town; but every such by-law shall, before its final passing, be first submitted for approval to the ratepayers, not being Roman Catholics, of the said town or village in the manner provided by *The Municipal Act* in case of money by-laws requiring the assent of the ratepayers.

Grant for permanent improvements may be made by town of Peterborough.

18. It shall be lawful for the council of the Village of Ashburnham to pass a by-law whereby it shall agree to contribute with the said town of Peterborough towards the maintenance of the said hospital in the same proportion that the population of the said village contributing towards the maintenance of the said hospital bears to that of the said town, and thereupon it shall be the duty of the said council to levy a special rate upon such of the ratepayers of the said village as are not Roman Catholics, for the purpose of defraying its proportion of the expense of maintaining the said hospital, over and above its receipts from the said endowment fund or other sources, and the treasurer of the said village shall be subject to the like demands as the treasurer of the said town, and the said village shall in all respects be upon an equal footing with and subject to the same liabilities as the said town, the aforesaid population of the said town and village respectively, according to the then last assessment roll, being taken for the time being as the basis of adjustment; but it shall not be lawful for said council to grant or contribute any aid or moneys for the purposes aforesaid, or to the said hospital, or to the trustees thereof, or to the corporate body hereby created, except under the provisions of this or the next preceding section.

Grant for maintenance may be made by village of Ashburnham.

Roman Catholics exempt from assessment under this Act.

19. Notwithstanding anything in this Act contained, this Act shall be taken and construed as enacting and intending that all persons who are Roman Catholics, and the property of every such person, shall be exempted from and shall not be liable for any rate or assessment made, levied or authorized under the provisions of this Act by the council of the said Town of Peterborough, or the council of the said Village of Ashburnham, and shall not in any manner or for any purpose be called upon or made liable to contribute through any general or special tax, rate or assessment or otherwise howsoever, to or towards any sum of money granted or provided under the terms of section 17 of this Act; but that all persons who are not Roman Catholics, and the property of every such person, shall be liable for every rate or assessment made, levied or authorized under the provisions of this Act by either of the councils aforesaid: provided that this section shall not nor is it intended to affect any agreement between landlord and tenant as to the payment of any such rate, tax or assessment, but the same shall be binding upon them respectively as fully and effectually to all intents and purposes as if this Act had not been passed.

Proviso.

CHAPTER 88.

An Act to amend the Act Incorporating The Regular Baptist Missionary Convention of Ontario.

[Assented to 25th March, 1886.]

Preamble.

WHEREAS the Regular Baptist Missionary Convention of Ontario has prayed for an Act to amend its Act of Incorporation and to change the name of the said Convention; and whereas it is expedient to grant the prayer of the said petition;

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

Name changed.

1. The name of the said corporation is hereby changed from "The Regular Baptist Missionary Convention of Ontario," to "The Regular Baptist Missionary Society of Ontario."

Preamble of 35 V. c. 110, amended.

2. The words, "throughout the said Province," in the seventh line of the preamble to the said Act of incorporation, passed in the 35th year of Her Majesty's reign, chapter 110, are hereby struck out.

CHAPTER 89.

An Act to Enable the Trustees of St. Andrew's Church, Peterborough, to Sell or Mortgage Certain Lands.

[Assented to 25th March, 1886.]

WHEREAS the elders and managers of the congregation of Preamble.
 St. Andrew's Presbyterian Church in the Town of Peterborough, by their petition have shewn that lot lettered F, fronting on Brock Street, and lots numbers 12 and 13, north of Brock Street, and west of George Street, in the Town of Peterborough, were originally acquired by grant from the Crown for the site of a church and glebe and are now vested in fee simple in trustees to hold the same respectively as a site for a church, and a glebe for the clergyman thereof; and also that the said congregation has erected a "new" church upon said lot F; and also that a sum of about \$11,000 over the amount already subscribed will be required to defray the expense of the said church, and furnishings thereof; and have prayed that the said trustees may be empowered to raise such sum by a sale, or mortgage of said land, or parts thereof; and whereas it is expedient to grant the prayer of the said petition:

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. The trustees of the said lands or their successors, or a majority of them, shall have full power to sell the said lots 12 and 13, or any portion or portions thereof, either by public auction, or private sale, and in such parcels, and for such sum or sums as may to them seem reasonable, and to execute and deliver a conveyance or conveyances thereof to the purchaser, or purchasers, "subject to the existing rights of the lessees thereof," and to borrow a sum, or sums of money not to exceed in the aggregate \$8,000, and to secure the repayment of the same, together with interest thereon at such rate as may be agreed upon by a mortgage or mortgages of said lot F, or a part thereof. Power to sell.

2. Unless and until a sale of said lots 12 and 13, or a part thereof is effected, the said trustees, or their successors, or a majority of them shall have full power to borrow a sum or sums of money, not to exceed, in the aggregate, \$12,000, and to secure the repayment thereof, together with the interest thereon, at such rate as may be agreed upon by a mortgage, or mortgages upon said lots 12 and 13, and lot F or any portion or portions thereof. Power to mortgage.

3. The said trustees, or their successors, or a majority of them shall have full power as occasion may require, to make a further mortgage Power to make a further mortgage.
 new

new mortgage or mortgages for the purpose of paying off any mortgage or mortgages which may be executed as herein provided.

Application of
moneys.

4. The money realized by sale or mortgage under the authority given by sections 1 and 2 hereof shall be applied in payment of the balance required as aforesaid, to complete the said church with furnishings, but nevertheless no purchaser or mortgagee shall be liable to see that his purchase money or loan is so applied.

CHAPTER 90.

An Act to authorize the Sale of certain Lands by the Congregation of the Church of England, in the Parish of St. Thomas.

[Assented to 25th March, 1886.]

Preamble.

WHEREAS, by the petition of the Congregation of the Parish of St. Thomas, in the City of St. Thomas, in the Ecclesiastical Diocese of Huron, it appears that in the year 1877 the said congregation purchased certain lands in St. Thomas for their use as a parsonage or residence for the Incumbent of the said Parish, and that by indenture dated the 17th day of April, 1877, the said lands were conveyed to John Alexander Kains and Charles Oaks Ermatinger, of St. Thomas, aforesaid, upon trust *inter alia* so soon as all incumbrances upon the property should be cleared off, to convey the same to the Incorporated Synod of the said Diocese of Huron for the use of the said Parish as a Rectory, Parsonage or Residence for the Incumbent; and whereas it also appears that all incumbrances upon the said lands have been paid off but the said lands have not been conveyed to the said Synod, and whereas it also appears that that part of the said lands hereinafter described is no longer required for the use of the Incumbent or Rector of the said Parish, and that the said congregation have empowered the said trustees to sell the same, and that they have accordingly contracted to sell the same; and whereas the petitioners have prayed that an Act may be passed to confirm the said sale and to empower the said trustees to make a conveyance thereof, and whereas the said Synod is willing that the prayer of the said petition should be granted; and whereas it is expedient to grant the prayer of the said petition;

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. John A. Kains and Charles Oaks Ermatinger, the ^{Power to sell.} trustees for the Congregation of the Parish of St. Thomas, in the City of St. Thomas, in the Ecclesiastical Diocese of Huron, are hereby empowered to sell and absolutely dispose of the following lands, namely:—City lot number two, in block letter Q, in the city of St. Thomas, in the County of Elgin, forming part of lot three in the eighth concession of the township of Yarmouth, as shewn on a plan registered in the Registry Office of the County of Elgin, made by Daniel Hanvey, Provincial Land Surveyor, freed and absolutely discharged from all trusts under which said lands were held for the use of the said congregation of the Parish of St. Thomas, for the use of the Rector of the said Parish as a residence.

2. The said John Alexander Kains and Charles Oaks ^{Power to convey.} Ermatinger, the said trustees are hereby empowered to make a valid and effectual conveyance to vest all the estate of the said congregation and of the Synod of the Diocese of Huron and the said John Alexander Kains and Charles Oaks Ermatinger as such trustees in the said lands, in the purchaser, his heirs and assigns for ever, freed and discharged from all the said trusts affecting the same.

CHAPTER 91.

An Act respecting the Woman's Christian Association of Belleville.

[Assented to 25th March, 1886.]

WHEREAS the Woman's Christian Association, of Belle- ^{Preamble.} ville, by their petition have represented that they have purchased and paid for the site of the new Hospital and Home for the Friendless in Belleville, and that the said hospital and home have been erected thereon at a large expense; and whereas, to pay off the balance of the said outlay they have been obliged to borrow the sum of \$4,000, to secure the payment of which the mortgage which forms the schedule to this Act has been created; and whereas the title to the whole of the said property is in certain trustees, and not in the said Association, and therefore the Association could not mortgage, under the powers vested in them; and whereas, by their said petition they have prayed that their act, and the act of the trustees, may be confirmed and made valid; and whereas it is expedient to grant the prayer of the said petition;

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

Mortgage set
out in
schedule con-
firmed.

1. The mortgage set out in the schedule to this Act is hereby confirmed and declared valid and binding to all intents, and for all purposes whatsoever, as fully as if the said property covered by the said mortgage had been vested in fee simple in the said the Woman's Christian Association, of Belleville, and the said mortgage shall for all purposes be valid and binding on all persons whomsoever, as fully as if set out at length in this Act.

SCHEDULE.

This Indenture, made this fourteenth day of December, in the year of our Lord, 1885, in pursuance of the Act respecting short forms of mortgages.

BY AND BETWEEN

The Woman's Christian Association, of Belleville, hereinafter called "The Association," of the first part ;

John Bell, Anson Gilbert Northrup, Merrick Sawyer, and James St. Charles, all of Belleville, in the County of Hastings, Esquires, hereinafter called "The Trustees," of the second part, and

The Hastings Loan and Investment Society, hereinafter called the Mortgagees, of the third part ;

Whereas the said Association have power to mortgage any lands or tenements held and owned by them, for the purpose of raising money to pay for the erection of the Hospital and Home for the Friendless now being completed by them, and

Whereas, the lands hereinafter described are held by the said trustees, and the Mayor of Belleville, and the Warden of the County of Hastings, as trustees *ex officio*, for the purposes of the Association, and of the Home and Hospital contemplated by their articles of incorporation, and

Whereas, the said Association desire to borrow the sum of \$4,000 to enable them to pay for the completion of the buildings now being completed for their said Home and Hospital, and to that end have requested, and hereby do request, the said trustees to join in mortgaging said property, hereinafter described, to the said mortgagees above named, who have consented to loan the said sum on the security of the said property.

Therefore this Indenture witnesseth that the said trustees, the party hereto of the second part, at the request of the said Association, and in consideration of the sum of \$4,000 of lawful money of Canada, now paid by the said mortgagees to the said Woman's Christian Association, of Belleville, the receipt whereof by them is hereby acknowledged, the said party of the second part do grant and mortgage unto the said mortgagees, their successors and assigns, for ever, all and singular that

that certain parcel or tract of land and premises situate, lying and being in the City of Belleville, in the County of Hastings, and Province of Ontario, and being composed of part of the east half of lot number seven, and part of the broken front in front of the said east half of lot number seven, in the first concessior of the Township of Thurlow, in the County of Hastings, and which part may be more particularly described as block "3" on the south side of the Kingston road, on a plan made by Evans & Bolger, purporting to be a plan of the east half of said lot number seven, and which plan is registered in the registry office in and for the County of Hastings, on the 14th day of August, 1878, and which block contains four and one-fourth acres, more or less, and extends from the Kingston road to the waters of the Bay of Quinte, together with all the woods, ways, waters, easements, rights and privileges, whatsoever in anywise belonging or appertaining thereto or to any part thereof,

Provided this mortgage to be void on the payment of \$4,000 of lawful money of Canada, with interest at the rate of 6 per cent. per annum, payable as follows, that is to say :

The principal to become due and payable five years from the date hereof, with permission at any time after the expiration of three years from this date, for the said Association to pay at any time any sum not less than \$500 on account of the principal money, they giving at least three months' notice of their intention to make such payment, the interest to be payable at the rate aforesaid, half yearly, computing from the date hereof, the first payment of interest to be made on the 14th day of June, now next ensuing, and so on each six months thereafter, on the unpaid principal, until all is paid and satisfied.

And taxes and performance of statute labour.

The said the Association, the party hereto of the first part, covenants with the mortgagees that they the Association will pay the mortgage money and interest, and observe the above proviso.

That the said trustees have a good title to the said lands in fee simple, and that they have the right to convey the same to the said mortgagees.

And that on default the mortgagees shall have quiet possession of the said lands, free from all encumbrances.

And that they, the parties hereto of the first part, also the parties of the second part, will execute such further assurances of the said lands as may be requisite, and that they have done no act to encumber the said lands.

And that the Association will insure the buildings on the said lands, to the amount of not less than \$5,000, and keep the same so insured.

And the said parties of the first part and second parts do release to the mortgagees all their respective claims upon the said lands, subject to the said proviso.

Provided that the said mortgagees, on default of payment for three months, may enter on and lease or sell the said lands.

Provided that the mortgagees may distrain for arrears of interest.

Provided that in default of the payment of interest hereby secured, the principal hereby secured shall become payable.

Provided that until default of payment the mortgagees shall have quiet possession of the said lands.

And the said trustees hereby covenant with the mortgagees that they, free of cost to the said mortgagees, will, with all reasonable despatch obtain an Act of the Legislature of the Province of Ontario, confirming and declaring the mortgage valid in all respects.

That if default be made in payment of the said principal or interest, or any part thereof, that then when the said mortgagees have by all lawful means collected from the party of the first part, and from the sale of the property hereby mortgaged, if any balance remains due or payable to the said mortgagees on the said loan, principal or interest, they, the party of the second part, will pay and satisfy any such balance on the same being shown, with a correct statement of what has been realized on the property mortgaged, and from the Association, and showing the application thereof.

Received on the day of the date of this Indenture, from the mortgagees, the sum of \$4,000 mentioned.

Witness,

Signed, J. C. JONES.

In witness whereof the party of the first part have hereunto affixed their corporate seal, and their president has signed the same, and the party of the second part have hereunto set their respective hands and seals on the day and year first above written.

Signed, Sealed and Delivered, in the presence of

Sgd J. A. FORIN.

Sgd J. C. JONES, (Cor. Seal).
President, W. C. Ass.

Sgd JOHN BELL, (Seal).

Sgd A. G. NORTHRUP, (Seal).

Sgd H. SAWYER, (Seal).

Sgd JAS. ST. CHARLES, (Seal).

CHAPTER 92.

An Act to authorize Walter D. Coate to practise as a Chemist.

[Assented to 25th March, 1886.]

WHEREAS Walter D. Coate of the Town of Rat Portage, Preamble.
 in the Province of Ontario, hath by his petition set forth, that in the year of our Lord 1878 he became apprenticed to a duly qualified chemist and druggist, and thereafter served an apprenticeship of three years, at the Town of Cobourg; that he subsequently in the year 1882 removed to the said Town of Rat Portage, where he has since resided, and continuously carried on business as a chemist and druggist on his own account; and that by reason of the dispute regarding the western boundary of the Province of Ontario, it was for some time doubtful whether the regulations of *The Pharmacy Act* applied to persons residing at Rat Portage; and that the said Walter D. Coate would now be compelled to pass the examination prescribed by the Ontario College of Pharmacy in order to authorize him to continue his business as chemist and druggist; and that in order to pass such examination he would have to be absent from his business for some time, and would thereby suffer material loss; and whereas it is expedient to grant the prayer of the said petition;

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. It shall and may be lawful for the Ontario College of Pharmacy to admit the said Walter D. Coate to practise as a chemist and druggist in the Province of Ontario, without passing the prescribed examination, upon his presenting the necessary proofs of service as an assistant to a chemist and druggist, and paying the requisite fees in that behalf, any law or usage to the contrary notwithstanding. W. D. Coate may be admitted as a chemist under certain conditions.

CHAPTER 93.

An Act to authorize the Law Society of Ontario to admit Delos Rogest Davis as a Barrister-at-Law.

[Assented to 25th March, 1886.]

Preamble.

WHEREAS Delos Rogest Davis, of the Township of Colchester, North, in the County of Essex, did, by his petition to the Legislature, bearing date the 21st day of January, 1884, set forth that previous to the year 1874, he had been, for the period of four years, a teacher of public schools; that in the month of December, 1871, he had been appointed a commissioner for taking affidavits, affirmations and recognizances of bail in the Court of Queen's Bench, at Toronto; that on the 19th day of June, 1873, he had been duly appointed and constituted a Notary Public for the Province of Ontario, and that ever since the year 1873, and from before that time he had endeavoured and had been anxious to enter the profession of the law; that in consequence of prejudices against his colour, and because of his being of African descent he had not been articulated to any attorney or solicitor, or served under articles; that he had notwithstanding for more than eleven years past devoted himself to the study of the law, and to its practice so far as this could legally be done by one who had not been admitted as a solicitor, and that he had acquired such an education in law, as would, in his opinion, enable him to pass the final examination prescribed by the Law Society for persons seeking to be admitted as solicitors; and that he was desirous of being admitted to practise as a solicitor in the Supreme Court of Judicature for Ontario, and prayed that an Act might be passed to authorize the said Court to admit him to practise as a solicitor therein upon his passing such final examination as might be prescribed by the said Society; and whereas it was established that the said Delos Rogest Davis was otherwise a proper person to be admitted as a solicitor on his passing such examination; and whereas the said Delos Rogest Davis has, by his petition to the Legislature, bearing date the 29th day of January, 1886, set forth that this Legislature, during the year 1884, passed an Act to permit him to practise in the Supreme Court as a solicitor, on his passing such final examination as is required in that behalf, by the Law Society, and that he did present himself for such examination at the Easter Sittings, held in the month of May, A.D. 1885, and passed the said examination creditably, and on the 19th day of May, 1885, he was duly admitted, sworn and enrolled a solicitor of the Supreme Court of Judicature for Ontario; that since his admission he has been engaged in the practice of law, as such solicitor; that at the time of obtaining the relief by the said Act mentioned, he was of the opinion that by its provisions

provisions and the rules of the Law Society, he might forthwith present himself and be examined and called to the degree of Barrister-at-Law, without passing the primary examination, but such a course would, he finds on application, be against the rules of the said Society; and whereas it has been established that the said Delos Rogest Davis has been obliged to encounter and overcome special difficulties in endeavouring to acquire his profession, and is otherwise a proper person to be called to the degree of Barrister-at-Law; and whereas it is expedient to grant the prayer of the said last mentioned petition;

Therefore, Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. It shall and may be lawful for the Law Society of Ontario, upon payment of the usual fees chargeable to students at law, on final examination, to call and admit the said Delos Rogest Davis to the degree of Barrister-at-Law, on his passing at any time or times, the usual final examination prescribed by the rules of the said Law Society, without passing the primary examination for such degree, or complying with any other rules and regulations of the said Law Society in that behalf, any law, usage or custom to the contrary, notwithstanding.

Law Society may admit D. R. Davis as a Barrister on certain conditions.

CHAPTER 94.

An Act to Confirm the Sale of Certain Lands to Elmes Henderson.

[Assented to 25th March, 1886.]

WHEREAS, by an Act passed by the Legislature of the Province of Ontario, in the 47th year of Her Majesty's reign, and chaptered 91, the Roman Catholic Episcopal Corporation, for the Diocese of Toronto, in Canada, were authorized and empowered to sell certain lands on Jarvis Street, in the City of Toronto, as is therein more particularly mentioned; and whereas the said Corporation have pursuant to the said Act, sold the said lands to Elmes Henderson, of the City of Toronto, Esquire, and by a deed of grant, dated the 11th day of January, 1886, conveyed the said lands to him and his heirs and assigns for ever, and he has accepted the said conveyance, subject to the confirmation of his title; and whereas in investigating the title to the said lands it appeared that the title depended partly on old public, or quasi-public documents, some of which could not be found, while others

Preamble.

others were only referred to in title deeds relating to other lands, and it also appeared that the said title depended upon the construction of Acts of Parliament, deeds of trust, Orders in Council, and historical and state papers of the Province of Upper Canada, and the late Province of Canada; and whereas in view of these and other difficulties in the proof of the title the said Elmes Henderson applied in the regular course to the Chancery Division of the High Court of Justice for this Province under *The Act to amend the Law of Vendor and Purchaser and to Simplify Titles*, for the opinion of the Court upon the said title and His Lordship, the Chancellor of Ontario, gave his decision on the said application, that the title of the said Episcopal Corporation was a good equitable title, but that the devolution of the legal estate had not been satisfactorily accounted for, and for this reason it was not such a title as the Court would force on a purchaser; and whereas it is expedient to set at rest all questions of conveyancing and of title, and to confirm the title to the said lands in the said Elmes Henderson absolutely;

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario enacts as follows:—

Deed to E.
Henderson
confirmed.

1. The said deed, bearing date the 11th day of January, 1886, whereby the said Roman Catholic Episcopal Corporation, for the Diocese of Toronto, in Canada, purported to grant to the said Elmes Henderson, his heirs and assigns for ever, an estate in fee simple in the lands therein described is hereby ratified and confirmed and declared to be valid and effectual, and shall be deemed to confer upon the said Elmes Henderson, his heirs and assigns for ever a good and valid title both at law and in equity to the said lands to all intents and purposes whatsoever.

Lands vested
in E. Hen-
derson.

2. All and singular that certain parcel or tract of land and premises described in the said deed of the 11th day of January, 1886, and in the said Act, passed in the 47th year of Her Majesty's reign, and chaptered 91, is hereby vested in the said Elmes Henderson, his heirs and assigns for ever, for an absolute estate in fee, free from all trusts, charges and incumbrances whatsoever.

CHAPTER 95.

An Act to enable the Toronto General Trusts Company, as Trustees of Anne Laidlaw, to purchase certain lands.

[Assented to 25th March, 1886.]

WHEREAS Anne Laidlaw, wife of George Laidlaw, formerly of the City of Toronto, now of the Township of Bexley, in the County of Victoria, and Province of Ontario, the said George Laidlaw, Elizabeth Emma Laidlaw, George Edward Laidlaw, James William Laidlaw, and Katharine Mary Grieve Laidlaw, children of the said George Laidlaw and Anne Laidlaw, over the age of twenty-one years, have by their petition represented that, by an instrument in writing bearing date the 14th day of October, 1884, made between Anne Laidlaw, wife of George Laidlaw, of the City of Toronto, Esquire, of the first part, and the Toronto General Trusts Company, of the second part, the said the Toronto General Trusts Company became Trustees of certain railway coupon bonds in their possession, that is to say, twenty-six coupon bonds of the Toronto, Grey and Bruce Railway, each for £100 sterling, and one coupon bond of the Toronto and Nipissing Railway for \$12,500, upon the trusts following, that is to say; in trust that they should either allow the said bonds or either of them or any part or parts thereof respectively, to remain unaltered, or should with the consent of the said Anne Laidlaw, or of her said husband, George Laidlaw, during her life, and after her death at the discretion of the said trustees or trustee sell, call in or convert into money the same or any of them, or any part or parts thereof respectively, and should in the discretion of the said trustees for the time being, and as they might deem most advantageous, invest the moneys produced thereby in the names or name of them, or him, the said trustees, or trustee, in any of the public stocks or funds, or Government securities of the United Kingdom, or of the Dominion of Canada, or of any of the Provinces thereof, or upon the municipal debentures of any municipality in the Province of Ontario, or upon freehold mortgages, or securities in the Dominion of Canada, or in the shares of any Loan or Investment Company or Building Society doing or carrying on business as such in Canada, or in the bonds or debentures of any such Loan or Investment Company or Building Society (but in no other investment), and might with such consent, or at such discretion as aforesaid, vary original investments in said railway bonds, or new investments in the said stocks, funds, debentures or securities into or for others of a like nature of any nature thereby authorized, and should pay the

Preamble.

the income of the said bonds, and of the investments for the time being representing the same respectively to the said Anne Laidlaw, or her assigns, during the term of her natural life for her separate use, free from the control of her present, or any future husband ; and after the death of the said Anne Laidlaw should hold the said trust premises and the income thereof, in trust for such person, or persons, or corporation, in such manner and form in every respect as the said Anne Laidlaw should appoint by deed or will, or codicil theretofore or thereafter executed or made, and in default of any such appointment, and so far as no such appointment should extend in trust to pay the annual income to the said George Laidlaw during his life, and after his death to divide the whole of the said trust estate among the children of the said George and Anne Laidlaw, share and share alike, the children of a deceased child to take the share which would have fallen to him or her, had he or she lived ; and it was thereby declared that the said trustees should, after the decease of the said Anne Laidlaw (and in default of an appointment by her as aforesaid), and of her said husband, apply the whole or such part as the said trustees should think fit of the annual income of the share or fortune to which any child should, for the time being, be entitled in expectancy under the trusts thereinbefore declared for or towards the maintenance or education of such child, either directly or to his or her guardians or guardian without seeing to the application thereof, or requiring any account of the same, and should, during suspense of the absolute vesting, accumulate the residue (if any) thereof by investing the same, and the resulting income thereof in or upon any such stocks, funds, debentures or securities, as are thereinbefore mentioned, for the benefit of the person or persons who, under the trust thereinbefore contained, should become entitled to the principal fund from which the same respectively should have proceeded, with power for the said trustees to resort to the accumulations of any preceding year or years, and apply the same for or towards the maintenance or education of the child for the time being, presumptively entitled to the same respectively ; that the said bonds are still in the hands of the said company, and the said petitioner, the said Anne Laidlaw, has made no appointment by deed under the said indenture, and there are other children of the said petitioners, the said George Laidlaw and Anne Laidlaw, who, are under the age of twenty-one years, and who, in case of no appointment by deed or by will of the said petitioner, Anne Laidlaw, are presumptively entitled to a share of the said estate, which said infants are Joseph Howe Laidlaw, Anne Charity Laidlaw and Charles Shedden Ross Laidlaw ; that the said petitioner George Laidlaw is the owner of the following lands in the township of Bexley, in the County of Victoria, containing in all, about 2,121½ acres, which said lands originally cost the said petitioner, George Laidlaw, upwards of the sum of \$17,900, and which said lands may be described as follows :

PARCEL NO. 1.—All and singular, that certain parcel or tract of land and premises situate, lying and being in the Township of Bexley, in the County of Victoria, and Province of Ontario, being composed of the north parts of lots one and two, north of the Portage Road, in the said Township of Bexley, containing ninety-six acres, be the same more or less, bounded and determined on the south by a straight line running east and west across said lots one and two, parallel with the Portage Road, and forty-five chains, more or less, from the Portage Road.

PARCEL NO. 2.—All those certain parcels of land situate in the Township of Bexley, in the County of Victoria, composed of lot number three, north of the Portage Road, containing one hundred acres, more or less, lot number eight, north of Portage Road, excepting one-half acre heretofore sold by one Hanna, for the purpose of a school house, containing ninety-nine and one-half acres more or less; that part of block E, described as follows: Commencing at the north-western angle of the said block, thence south fifty-two degrees and thirty minutes, east along the western boundary of road allowance between block E and lot number one, in the North-West Bay twenty chains and sixty-one links, more or less, to a point distant seventy-three chains from the Lake Shore, measured along the said western boundary of the said road allowance, thence south eleven degrees and thirty minutes west, fifteen chains and thirty links, parallel to the north-western boundary of the said block, thence south fifty-two degrees and thirty minutes east, nine chains fifty-four links, thence south thirty-seven degrees and thirty minutes west, twenty chains and eighty-nine links, thence north fifty-two degrees and thirty minutes west, twenty-six chains and eighty-seven links, more or less, to the north-western boundary of the said block, thence north eleven degrees thirty minutes east, along the north-western boundary of the said block thirty-eight chains and fifty links, more or less, to the place of beginning, containing one hundred and five acres more or less, and those parts of lots numbers six, seven and eight, on the North-West Bay lying south of the Lake Shore Road, containing one hundred and twenty acres.

PARCEL NO. 3.—All those certain parcels of land situate in the Township of Bexley, in the said County of Victoria, composed of block D, containing one hundred and twenty-six acres, more or less, the north fifty acres of lot number five on the North-West Bay, all those parts of lots numbers six, seven and eight on North-West Bay, lying north-west of the Lake Shore Road, containing two hundred and sixty acres, that part of lot number sixteen on North-West Bay, containing twenty acres more or less, lying north of the east fifty acres of the said lot sold for taxes, and east of the west fifty acres of the said lot sold for taxes, lot number seventeen North-West Bay, containing one hundred acres more or less, and lot eighteen on North-West Bay, containing one hundred acres more or less, and

and lot number twenty-five on North-West Bay, containing one hundred and twenty acres more or less, and lots numbers two and three, in the third Concession, excepting the railway over the same, containing three hundred and twenty-five acres, also the north-west sixty acres of lot nineteen North-West Bay.

PARCEL No. 4.—All and singular that certain parcel or tract of land and premises situate lying and being in the Township of Bexley, in the County of Victoria, and Province of Ontario, being composed of lots numbers twenty-three and twenty-four, in the range fronting on North-West Bay of Balsam Lake, in the Township of Bexley, containing two hundred and fifty acres more or less.

PARCEL No. 5.—All and singular those certain parcels or tracts of land and premises situate lying and being in the Township of Bexley, in the County of Victoria, and being composed of the south halves of lots numbers one and two on the north side of Portage Road, in the said Township of Bexley, containing together ninety acres more or less.

PARCEL No. 6.—The north halves of lots numbers two and three, south of the Portage Road, containing by admeasurement one hundred acres more or less.

That the said petitioner, Anne Laidlaw, owns in her own right a large tract of land in the said Township of Bexley, some of which abuts on, while the remainder is in close proximity to, the property hereinbefore described, and which together comprise what the said petitioners desire shall be a home for themselves and for the said infant children, and the whole of the combined properties are utilized as farming property for the sole benefit of the family, and no part of it has been leased to any one ;

That throughout the entire year some of the said petitioners reside on the property, but in the summer months all of the said petitioners and the said infant children, simultaneously reside on it, and all are desirous of retaining the same as a homestead ;

That the said petitioner, George Laidlaw, has expended the sum of \$10,000 and upwards in buildings and improvements of various kinds upon the said lands since he became the owner thereof, and that the same are now well worth the sum of \$25,000 ;

That there are now subsisting mortgages upon the said lands which amount now, for principal and interest together, to something over the sum of \$15,000 ;

That

That the said petitioner the said George Laidlaw, in order to meet the wishes of the said petitioner the said Anne Laidlaw and the said other petitioners, is willing to sell the whole of the said lands and property to the said Trusts Company as Trustees, as aforesaid, for the amount of the incumbrances only, and all the petitioners are most desirous that the said Trusts Company may now be authorized and directed to sell and convert into money a sufficient portion of the said bonds now held by them and to invest the proceeds in the purchase of the said properties or any part or parts thereof from the said George Laidlaw for the amount of the incumbrances thereon ;

That it is now a favourable time to make a sale of the said bonds and the said petitioners other than the said infants thereby consent and agree that if the said lands should, in case of sale hereafter, not realize the principal sum to be paid as purchase money therefor hereunder, then and in such case any deficiency upon such sale shall be chargeable upon the presumptive share of each of them in the said Trust estate ; and have prayed that an Act may be passed authorizing the said, the Toronto General Trusts Company, to sell and convert into money a sufficient portion of the said bonds and to purchase the said lands or any part or parts thereof from the said George Laidlaw for the amount of the incumbrances thereon, not exceeding the sum of \$17,000, to be held thereafter upon the trusts of the said Indenture of the fourteenth day of October 1884, and have submitted that it should be directed that any deficiency upon the sale of the said property should be chargeable to the presumptive shares and interests of the said petitioners, the adult children of the said petitioners, George Laidlaw and Anne Laidlaw ; and whereas it is expedient to grant the prayer of the said petition ;

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows :—

1. The said The Toronto General Trusts Company are hereby authorized to convert into money so many of the said Railway bonds held by them under the said deed of trust dated the fourteenth day of October, 1884, and executed by the said Anne Laidlaw, as may be necessary to purchase the whole or any part of the real estate in the said Township of Bexley hereinbefore described, from the said George Laidlaw for the amount of the respective incumbrances thereon, but not to exceed in the aggregate the sum of \$17,000, and such lands so to be purchased, shall be held by the said The Toronto General Trusts Company upon the trusts of the said deed of trust.

Purchase of lands for purposes of trust authorized.

2. The Toronto General Trusts Company may, with the consent of the said Anne Laidlaw, or of her said husband George

Power to sell lands, purchased.

George Laidlaw, during her life and after her death at the discretion of the said the Toronto General Trusts Company, sell and convey the whole or any part of the said lands, and upon any such sale shall invest the proceeds thereof, as provided under the said deed of trust for the investment of the moneys produced by the sale of the said railway bonds, and in the event of any loss arising upon any such sale of the said property, the same shall be chargeable to the presumptive shares and interests of the said petitioners, Elizabeth Anne Laidlaw, George Edward Laidlaw, James William Laidlaw and Katharine Mary Grieve Laidlaw, in the said trust estate.

1886.—49 VICTORIA.

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